CALSS B

NoPWD 51 LBW65

App. F IX—4 | 19 65 | File No.

Previous References. | Serial No

PWD

CALSS b

Later References. Special Irrigation Section

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos.

FOR/NOT FOR NOTE BC...

Secretary to Govt.

Part B for

SUBJECT

Levy of penalty under the Hyderabad Irrigation Act in the Tungabhadra project area.

WD 014612—GPB—4,00,000—1-9-64

In

12/x/62

27/11/65

RD 74 GWR 62

OFFICE OF THE
DEPUTY COMMISSIONER
RAICHUR.

No: JD-1462-CLW-62-63/ Dated: 10-10-1962.

To

The Secretary to Government of Mysore,
Revenue Department
" Vidhana Soudha
BANGALORE.

Sub: Writ Petition No.1099,1100,1101 and 1102/62 on the file of High Court of Mysore - Sri Rajappa Vs. the State regarding Collection of Water - Cess.

Ref: Your letter No. RD-74-GWR-62 dated 26-9-1962/30-10-62

- : oOo : -

SIR,

With reference to your letter cited above, I am to state that the Injunction order issued by the Hon'ble High Court in the above writ petition has been complied with ~~in~~ by the Tahsildar Gangavati and the Assistant Commissioner Koppal.

Yours faithfully,

O.C. signed by
Dy.Commissioner.

H.Q.A. to Dy.Commissioner,
Raichur.

Copy to the Assistant Commissioner Koppal and Tahsildar Gangavati for information.

Sd/-

H.Q.A. to Dy.Commissioner.

DR. main file sent to Law Supp. this may lie over till its return.

23/10

Letter No JD 1462 - CLW dt 11.62 from this D.C. Raichur.

Above rect is put up for approval.

21/11

W.P. no 1099/62
RD 74/GWR 62

4 This may be referred to Law Deptt

22/11 SHS 10498

Law Deptt 22/11/62

Law 22/11/62

Registrar-IT
Law Department

This may please be referred to Srivas

19/12

5 Copy of the letter no 7918 dated 9-10-62 of the Asst Comm. Koppa addressed to the D.C. Raichur, has already been sent to the Ad Gh with necessary enclosures. Hence this file may be Returned to R.D

20/12/62

RD

RD

6 This may be over till 1.3.63.

Office of the Registrars II R.D. Date. 21 DEC

26/12

26/12

In letter no J.D/1467/CL III/62-63 dt 20.3.63 from the Dep. Comm Raichur — connected Accads have been sent by Law Deptt to Ad. General already. L.D may see.

24/3

VNS 24/3

27 MAR 1963

29/3.

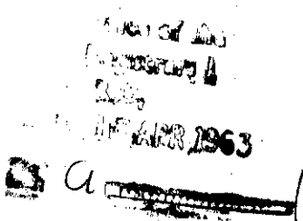
Law deptt 29/3

30-3-63

W.P. No. 1099/62

Rg 76 GWR 62

3368/63 8 The Asst Comr, Kolapal, Raichur Dr, has already sent to the Addl Gt their detailed note of the case alongwith necessary enclosures on 9.10.62 (Letter no. 7919/62) No Records in particulars are received in L.D.



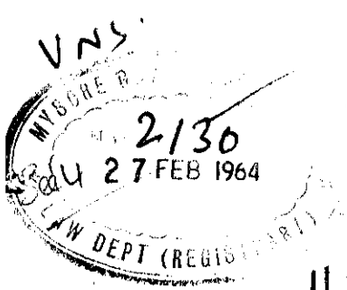
(RD) 2D) 28/1/63

3/4

This may lie over till 1.7.63

4/4

10 Laws Deptt may be requested to indicate the stage of disposal of the writ.



26/2 26/2/64 26/2/64

11 The writ Petition is pending before High court of Mysore.

28/2 28/2/64

12 This may lie over till 1-6-64

3/3 3/3/64

W.P. No 1099/62

RD/62 & GWK 62

The Law Dept may please indicate the stage at which the writ petitions are pending or whether they have been disposed.

L S/8 — 5/8/64

L — 6/8

LS

VNS

MYSORE GOVT SECRETARIAT
No. 7330.
6 AUG 1964
Secy
LAW DEPT (REGISTRAR(J))

L 7/8/64

MYSORE GOVT SECRETARIAT
No.
1964
(RECEIPT & ISSUE SECTION)

1) The above W.P. is pending before the Hon'ble H.C. of Mysore.

L 7/8/64

P. RAMACHANDRA RAO,
Under Secy., Law Dept.

Sec RD)

7/8/64

Await for a month

SVS
11/9

L

11/9

2) L D may see & indicate the stage of disposal of the writ petitions.

L 9/10 — 9/X/64

L

9/X

V. A. C...
Under Secy., Law Dept.

VNS

MYSORE GOVT. SECRETARIAT
No. 9822
9 OCT 1964
Secy
LAW DEPT (REGISTRAR(J))

b) The above W.P. is still pending before the H.C.

L 9/10/64

Sec — 12/10/64

RD)

MYSORE GOVT. SECRETARIAT
No.
20 OCT 1964
LAW DEPT. (RECEIPT & ISSUE SECTION)

10-TP-64

L

alt

W.P. No 1099 of 1962

Mysore Government Secretariat

(5562 / 5454) RD 74 GWR 62

File No. of 196 .

[App. F. III 2

5

Serial No.	
	Letter No 3899/64-65 dt 9-12-64 from the Advocate General Bangalore –
17	Receipt of copy of Judgement may be awaited 21/12 Sd 21/X/64 Yr Sh 21/X
18	Law Dept may be requested to make available a copy of the order of the High Court. 22/1 Sd 22/1/65 Sd Sd 22/1 V. A. [illegible] Under Secy to Govt. Law Dept.
19	Detailed order of the H.C. is not Received till now. The Advocate is Reminded today to expedite a free copy of the order. Sd 2/2/65 [illegible] MADHAVA RAO.
	Cus 2/2/65 R.D)
20	we may await till 15.3.65 Sd 9/2/65 Sh 6/2 Sd 8/2

MYSORE GOVT SECRETARIAT N. 569. 25 JAN 1965 LAW DEPT (REGISTRARI)

Sri VMS B.S.S.

MYSORE GOVT. SECRETARIAT No [illegible] LAW DEPT. (SECTION)

Note.—Contn. Sheet

6 W.P. NO 1099/62

)88

File No. RD 76 GWP of 196 2 — Mysore Government Secretariat

Serial No.

Copy of letter No LAW 458 LWP 62 dt 6.2.65 from the A.D. we may await further report. 21

16/2

Sd/-
16/2/65

Law Dept may please indicate the stage at which the matter stands. 22

Sd/-
7/5

Sd/-
10/5

LAW DEPT (REGISTRARY) 4323

W.P. 1099/62 and Connected writ petitions 1100/62, 1101/62 and 1102/62 are allowed on 7-10-64. Detailed order of the H.C. will be Communicated after Copies are Ready. 23

R.D.

11/5/65

Under Secretary Law Department

Letter No TBP MSC/524/64-65 dt 1/3.5.65 from the Dist Judge Chitradurga

MYSORE GOVT. SECRETARIAT No. 1965

Copy of the judgement of the High Court given in the writs under 24 p43-45 CR

W.P. No 1099/62 — 7

Note Continuation Sheet Against Rules under RD 76 Gwr 62

Subject Hy. Irrisation Act File No. 2961 / 2801

Reference and markings	Notes and Orders.	Para Numbers
P35-37/P	Question have been received from the Div. Comr Gulbarga with his remarks thereon. He has recommended that the ADSh Comrs of Koppal, Lingasugur, & Raichur may be appointed as Collectors under the Hydrabad Irrisation Act. This has to be decided by PD in consultation with the Law Dept.	
	15/5 Mg & Lrs & PWD for further action.	(26)
	15/5	
	PWD	
4578	15/5/62	(27)
	18/5	
Sri N	Hyderabad Irrigation Acts may please be seen as placed at ‘f’.	(28)
	18/5	
	11/6/62.	

Stitching space

RECEIPT & ISSUE SECTION No. 2939 18 MAY 1962 Spl-S-II

Secy Dept
9/6.

8

Note Continuation Sheet

S. No. 1 ..... File No. Irr 251/1965

WD 014899—GPB—8,000—5-13.64

Reference and Initials	Notes and Orders.	Para Numbers
29)	This is a Rd Irrigation Dept in further disposal It is seen from a perusal of the Records that this subject relates to the year 1962 and that the Major Irrigation has already dealt with the case (Vide Govt Lr No. 536/141. D. 26.6.62 — Page 23 C.F. Further more the case pertains to the T.B.P. ayacut area. This may therefore be passed on to the Major Irrigation Section for further action. 16/6/65 — 14.6.65	
30)	DS (I) This is a matter pertaining to delegation of powers of Collector to the Asst Commissioners by the Govt under Hyderabad Irrigation act and rules framed under, hence may be dealt in Spl I Section only. Please examine the papers & the Divisional Commissioner Gulbarga vide pages 36-37 C/F and put up notes 15/6/65 M. CHANNAPPA, Asst. to Govt. P.W.D. (Irrgn.) Spl I Section)	

Stitching margin

Note Continuation Sheet

Subject... writ Petition Nos. 1104, 1107, and 1102 File No. PWD 5/1 LBW/66

on the file of the High Court of Hyderabad.

Reference and markings	Notes and Orders.	Para Numbers

31) Letter of the Divisional Commissioner (Gulbarga), at page 35-37 of Lacaa may please be seen. It is reported that levy of Penalty imposed by Nazim Jamabandi during the year 1962 under the Hyderabad Reorganisation Act And the Rules framed there under has been held to be ultra vires by the order High Court. There is no provision in the Hyderabad Reorganisation Act And the Rules framed there under enabling the Deputy Commissioner to delegate his powers to the Assistant Commissioners to levy the Penalty of the persons were ~~was~~ violating the Rules.

Stitching space

WD 014899—GPB —8,00,000—5-12-64

Reference and markings	Notes and Orders.	Para Numbers

In order to overcome the legal difficulty the Divisional Commissioner Gulbarga has requested the orders of Govt. to delegate the power of Collector to the Asst Commissioner to levy the penalty on persons who ~~violating~~ Contravene the Rules under Hyderabad Forest Act. And the Rules framed thereunder.

32 The Advice of Law Deptt. may be obtained in this behalf submitted for perusal and orders.

21/6/65

(33) The proposal of the Divisional Commr Gulbarga to delegate the power of Collector under Hyderabad Forest Act and Rules framed thereunder to the Asst. Commrs Koppal Lingasugur and Raichur, to overcome the legal difficulty in the

Stitching space

Note Continuation Sheet

Subject: ~~Levy of penalty~~ Nos. 1100, 1101 & 1162 of the High Court of Mysore

File No. PWD 51 LBS 65

Reference and markings	Notes and Orders.	Para Numbers
	Matter of levy of penalty under the Hyderabad Irrigation Act. ~~is in pursuance of order of the High Court~~	
	It may not be out of place to mention here that the Mysore Irrigation Bill which has been duly passed by both the Houses is awaiting assent of the President of India.	34
1) Legislative VNS	The Law Dept. may kindly advise us the further remarks on the proposal of the Divisional Commr. Gulbarga. 1) (One Annexure above)	35
	27.6.65	
	29/6/65	
	M. CHANNAPPA, Dy. Secy. to Govt. P.W.D. (Irrgn.)	
	Instructions indicated in G.O. No. PWD 5 SSH 64 dated 27.11.64 may please be complied with.	36
	J. P. Srinivas 6/7/65.	
	Received. The Irrigation ~~PWD~~ G.O. No. PWD 5 SSH 64 dated 27-11-1964 is placed below. As per the provisions of Hyderabad Irrigation Act. the Collectors of the	37

MYSORE GOVT. SECRETARIAT
No. 3 0 JUN 1965
LAW DEPT (REGISTRAR)

MYSORE GOVT. SECRET. DEPT.
No. 1370
7 JUL 1965
Spl.
RECEIPT & ISSUE

Stitching space

Note Continuation Sheet

Subject: Writ Petition No. 1099 of the file of High Court File No. PWD SIRLBW 69

Rajappa and others Vs State of Mysore

GPB -8,00[illegible] -5-12-64

Reference and Correspondence	Notes and Orders.	Para Numbers

Concerned Officers are empowered to levy the penalty on persons who Contravene the Rules of the said Act. Delegation of Powers to the Assistant Commissioners to levy the penalty was held to be ultra vires by the order of High Court. In order to Remove the legal difficulty the Divisional Commissioner Gulbarga has requested the orders of Govt. to delegate Powers of Collector to Assistant Commissioners to levy the penalty on persons who Contravene under Hyderabad Irrigation Act, and Rules.

In this Connection it may be pointed out that the System (38

Sketching space

Reference and markings	Notes and Orders.	Para Numbers

Stitching space

Bangalore Bill 1964 has already been passed by both the houses of legislature and it is awaiting the assent of the President of India. Action is also being taken seperately to frame the Uniform Bangalore Rules under the said Bill. Meanwhile the Law Dept may be requested to advice on the Divisional Commissioners Proposal regarding delegation of powers of the Collectors to the Assistant Commissioners to levy the penalty on persons who Contravene the Rules under Hyderabad Bangalore Act and the Rules framed there under

15/7/65

P.T.O

Note Continuation Sheet

Subject: Govt - Legislation re 1099 in the Hyd High Court —

File No. PRO SIC 82 65

Reference and markings	Notes and Orders.	Para Numbers

The Divisional Commissioner Gulbarga in his letter no Hyp/Misc 524/64-65 Dt 23.6.65 - Flag 'S' has forwarded revised proposals seeking Orders of Govt for appointing Revenue Officers viz: Tahsildars of Raichur, Manvi, Sindhanoor, Gangavati and Koppal and five Assistant Commissioners viz. Asst Comm Raichur, Asst Comm Lingsugur and the Asst Comm, Koppal and the Special Deputy Comm and Deputy Commissioner Raichur as Legislative Officers for the purpose of the Hyderabad Legislation Act. (39)

He has stated that of the Revenue Officers (40
are not immediately empowered it will not be possible for them to levy penalties for unauthorised Legislation.

He has also sent enclosed draft (41
notification which may be seen at page 2 of the Enclosures to Flag 'S'

It is already pointed out in the (42
preceding paragraphs that the Mysore Legislation Bill 1965 has not yet become an Act. It is awaiting the assent of the President of India.

Contd —

Stitching space

A 7/10/64

15

Note Continuation Sheet

Subject: writ petition no 1099/64 on the file of High Court

File No: WD.S.1.6 Gen 65

Reference and markings	Notes and Orders	Para Numbers
	In pursuance of the proposal of the Divisional Commr Gulbarga to empower the Revenue Officers as Irrigation Officers under the Hyderabad Irrigation Act may be approved & the L.D may be requested to securing the necessary notification proposed by the Divisional Commr	(43
(M) Copy placed in the Cabinet file.	As per O.M No 8803 SO (S) SM.66 dt 27.11.64 & order of the L.D at para 36 ante the file should have been referred to L.D after it is seen by the Administrative Secretary. The file may therefore be submitted to the Secretary for Irrigation for his perusal before referring the same to L.D.	(44 (45
	21.7.65	(46
	22/7/65 M. CHANNAPPA, Dy. Secy. to Govt. P.W.D. (Irrgn.)	(47
	Secy (P. WD)	
	L.D may advise for favour of advice & securing.	48
	L.D 23/7 CHANDAPPA PATEL, Secy., P.W. & Elecy. Depts.	
	This file may be referred to opinion section Concerned. 27/7/65 P. RAMACHANDRA RAO. Under Secy., Law Dept.	49
	VNS Cus Opn	
	IS.345/Contempt/65 & DB. M.29/7/65. 27/7/67	

Stitching space

SECRETARY TO GOVERNMENT No 4776 1965 PUBLIC WORKS & ELEC. DEPTT.

SECRETARIAT 6667 24 1965 LAW DEPT (REGISTRARY)

Note Continuation Sheet

Subject..... PWD 51 LAW 65 File No.....

WD 014893—GP B—3,00,000—12-64

Reference and markings	Notes and Orders	Para Number

S 32-A/LAW VII/LAW 65

Returned to D-S. PWD for necessary

SH 8-A/VII/65 D-S/PWD)

Sd/-
5/8/65

K. N. GUNDAPPA,
Asst. Draftsman & Ex-Officio
Under Secy., Law Department

SO

Draft notification is also put up for approval as per oral instructions given by the Deputy Secretary

5/8/65

L.D may please the draft notification put up at page 48 ante and advise on the matter

LD)

Sd/-
5/8/65

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

L(51

Law Dept

Two revised draft notifications are placed in the file. As an appeal lies against the decision of the Irrigation Officer to the Deputy Commissioner, and the Assistant Commissioners are also being empowered to exercise the powers of the Deputy Commissioner, the appointment of Irrigation officers has been confined only to Tahsildars.

L(52

Draft I typed
Draft II typed

Sd/-
6/8/65

K. N. GUNDAPPA,
Asst. Draftsman & Ex-Officio
Under Secy., Law Department.

D-S/PWD) SB) Sd/- 7/8

P.S.O

Sticking space

GOVT. SECRETARIAT
1563
7 AUG
Spl Section
CHECKED

Note Continuation Sheet

Subject: Urban Policies Nos 1100, 1101 & 1162 of the High Court of Thyra delegation of powers to Irrigation Officers

File No: MWS 51/Urban/65

Reference and markings	Notes and Orders.	Para Numbers
	The Law dept have proposed revised draft notifications i) in respect of appointment of Sanitary Officers to exercise powers & perform the duties & imposed on the Irrigation Officer and ii) in respect of Asst Commrs to exercise the powers and perform the duties conferred on the Dy. Commr. They are placed at pages 49/1 and 49/2 of C.F.	54
	The above two notifications may be approved. The Divisional Commr Belgaum is urging for issue of orders. It is stated that by virtue of these notifications, the Sanitary Officers & other Communal Concerned are empowered to levy penalty for encroachment.	55
12/5/65	18/5/65	56
DS (I)	For perusal and approval of the draft notifications placed at Pages 49/1 & 49/2, W/r to the letter of the Divisional Commissioner dated 3-5-1965 placed at Pages 35-37 D/C/F. L.D have drafted the notifications as stated in para.	57

Stitching space

18. W.T. 1099/62 RD 79 WR 62

Note Continuation Sheet

Subject ...Lr.it.pel.Clm no 1099 / 1107 — Delay Cg. Displ. powers to Collr. Bellary under Hyderabad K.T. — To Collr. Bellary Rly Commr under Hyderabad K.T.

File No. MRD 51 dt 25-5-65

WD 014899—GPB—3,00,000—5-12-64.

Reference and markings	Notes and Orders.	Para Numbers

52 above. Farpensal before issue

Seey P. WD)

13/8/65
M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

The draft notification may kindly be approved. (1-8) + 4 pages 49 1012

Cl.

CHANDAPPA PATEL,
Secy. P.W.D. & Elecy. Depts.

C.M. 16/8/65 (57)

Leg (RD)) Cl 16/8 (60)

16/8/65

(approved) 17/8/65

ISSUED dated 20/8/65

Notifications empowering the Revenue Officers under the Hydrabad Act. (61)
Levy generally in certain taluks
Irrigation have been issued.
This may now be referred to R.D. 62
for their information & necessary action
RD may also see above —
& return the file when done with —

20/8/65
23

RD) 28/8/65 (63)

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

Stitching space

SECRETARY TO GOVERNMENT No PWD 52 IS 65 13 AUG 1965 PUBLIC WORKS & ELEC. DEPT.

OFFICE OF THE CHIEF MINISTER No. L.0001 13 AUG 1965 BANGALORE.

SECRETARY TO GOVERNMENT No. 16 AUG 1965 WORKS & ELEC. DEPT.

MYSORE GOVT. SECRETARIAT No. 17 AUG 1965 REVENUE DEPT. (RECEIPT & ISSUE SECTION) E S S

Note Continuation Sheet

RD 74 GWR 62

Subject.....

File No.....

Reference and markings	Notes and Orders.	Para Numbers
	may be returned to PWD after perusal. A further letter dt 12-8-65 received from the Div. Comr. Gulbarga is placed below.	64
D 5361	PWD 28/8 31/8	65
	letter No 1719 SPL 65 dated 27-8-65 ~~letter No 1734 SPL dated 31-8-1965~~	
	P. N. D. S. for perusal.	66
	Notification empowering the Revenue officers under the Hyderabad Irrigation Act in TBP area to levy penalty for unauthorised irrigation have been issued. The Divisional Commissioner has now requested Govt to delegate all the powers of Collector under Section 4(g) of the Hyderabad Irrigation	

MYSORE GOVT. SECRETARIAT
1754
3 SEP 1965
RECEIPT & ISSUE

3/9/65

N

Matching space

20

Note Continuation Sheet

Subject ..... Govt. petition No 1108 Delegation of powers to Assistant Commissioners under Hyderabad Land Revenue Act.

File No ..... Pro ST L 866-

WD 014899—GPB—8,00,000—5-12-64

Reference and markings	Notes and Orders.	Para Numbers

Act. to the Assistant Commissioner & Koppal and Lingsugur and Raichur.

Law Dept may be requested to advice on the proposal made by the Divisional Commissioner Gulbarga.

Sec 18/9/65

In Govt Notification No. PRO 57 L 866 (68 Cabs 65 dt. 18.8.65 placed at page 50 ante the Asst Commrs of Koppal, Lingsugur and Raichur sub-Divisions have been empowered under powers conferred by Clause (j) of Section 3 read with Section 40 of the Irrigation Act 1357 F (Hyderabad Act No. XXIV of 1357 Fasli) to exercise the powers and perform the duties which are conferred or imposed on the Deputy Commissioner by or under the said Act.

The Divisional Commr Gulbarga in his letter dt 12.8.1965 has requested to delegate the powers imposed on the D.C. under Section 49 (1)(k) of the Hyderabad Irrigation Act to the Asst Commrs of the sub-Divisions, & the

Stitching space

Note Continuation Sheet

Subject..... Writ petition No. 1100, Appointing Collector to exercise powers of Asst. Commrs

File No. PWD 51 LIS 65

Reference and markings	Notes and Orders.	Para Numbers

Assistant Commrs of Koppal, Lingsugur and Raichur for the purposes of conducting Jamabandi and levying penalty under the Act.

The Law Dept may be requested to advise whether in view of the notification already issued it is necessary to issue further notification under Section 49(1)(b) of the Hyderabad Irrigation Act as requested by the Divisional Commr Gulbarga. If so, to suggest a draft for taking further action in the matter.

15.9.65

16/9/65 — 70

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.) — 71

16/9/65 — 72

(D. V. VITTAL MURTHY)
Jt. Secy. P.W. & Elec. Dept. (Irrn.)

73) As ordered, this file may be referred to ~~the~~ Section with H-C.O for disposal. (O)

[Encl file No PWD 3279/65 connected papers H-C.O]

UNS

In this is one point more, it may be mentioned for action while sending the cover. 25/9

Ces 25/9/65

Opn Section

P. RAMACHANDRA RAO.
Under Secy., Law Dept. — 74

25/9/65

25/9/65

Jg 399/Legis II/65

27.9.65

22

Note Continuation Sheet

Subject: I.S. 399/65-1966 File No. MD 5 ICA 65

WD 014899—GPB—8,00,000—5-12-64

Reference and markings	Notes and Orders.	Para Numbers
	Kindly refer to this O.M. No. G.A.D. 50 OSM 64 d. 27.11.64.	75
	P.W.D.	
		76
	Submitted for perusal and orders	77
	Secy. P.W.D. with a copy of O.M. referred to above.	
	The A Copy of O.M. No. G.A.D. 50 OSM 64. dated 27.11.1964 is placed below (Placed at P2)	78
	In presentation. The point or points on which L.D's opinion is required is not clear at paras 68, 69 & 70 ante. It has also been pointed out that this Joint Secy. has three depts. It is not clear whether more additional information is required by L.D. This may again be referred to L.D. with a request to indicate the point on which information is required to be furnished.	79
		80
	M. CHANNAPPA, Dy. Secy. to Govt. P.W.D. (Irrgn.)	81

Stitching space

Note Continuation Sheet

Subject: Levy of Penalty under the Hyderabad Tenancy Act.

File No. PWD 51 LB

Reference and markings :	Notes and Orders.	Para Numbers

1354/Laws II/65

By virtue of the adaptations made by the State of Mysore in regard to the expression 'Tahsildar' appearing in the Hyderabad Tenancy Act as meaning the 'Collector', the notification already issued under section 85 of the Act appointing the Addl. Commissioner to perform the functions & exercise the powers of the Collector under the Act, will not cover the exercise of the powers under S. 9(1) of the Act also within their jurisdictions. As such as there is no need to issue any further notification in regard to the areas within their jurisdictions.

(82

Sd/- Srinivasa Iyengar
1.11.65

M. K. SRINIVASA IYENGAR,
Addl. Law Secretary.

Stitching space

2160.
-6pl-Jrngn.

Sd/- 3/11/65

(83

Para 82 ntf is in perusal. It is for orders whether the Divisional Commissioner may be informed accordingly.

(84

Sd/- 8/11/65

CS
Sd/- Deputy Secretary
8/11

(85

Note Continuation Sheet

Subject Levy of penalty under Hyderabad ... File No. ...

WD 014899—GPB—8,00,000—5-64

Reference and markings	Notes and Orders.	Para Numbers

Draft letter to the Div. Comd (86

Commissioner Gulbarga to forward

for approval

2/11/65

Draft letter based on the (87

Opinion of the LD (Vide para 8 ante)

is submitted for perusal and approval.

2/11/65 The Rev. Dept. may also see before issue (88

2/11/65

(89

M. CHANNAPPA.
Dy. Secy. to Govt. P.W.D. (Irrn.)

RD)

MYSORE GOVT. SECRETARIAT
No.
17 NOV 1965
REVENUE DEPT.

may be returned to PWD (90

after perusal.

18/11/1965 19/11/65 For Perusal & return (91

& P.W.D.

28/11

S.)

P.W.D.)

(92

24/11/65

DEPUTY SECRETARY
No 10150
23 NOV 1965
REVENUE DEPARTMENT

MYSORE GOVT. SECRETARIAT
No 2210
27 NOV 1965
SPL. DEPTT.

(93

27/11

(94

For perusal. Draft put up at page 6 & c.f. may be approved for issue.

29/11 DS(I) 10/12

Issued

16/12/65

1/12/65

11/12

GOVERNMENT OF MYSORE

NO. JD-1467-CLW-62-63 OFFICE OF THE DEPUTY COMMISSIONER
RAICHUR DISTRICT.

Dated, Raichur the 1st Nov. 1962.

To

The Secretary to the Government of Mysore,
Revenue Department, "Vidhana Soudha",
Bangalore-1

12025
12 NOV 1962

Sir,

Subject: Writ Petition No. 1099,1100,1101 and 1102/62 on the file of the High Court of Mysore Bangalore - Rajappa and others Vs. State of Mysore and Asst.Commissioner Koppal.

--0--

Reference: Government Order No. LAW 458 LWP 1962 dated 10-10-1962 from the Government of Mysore in Law Department, Bangalore.

With reference to your letter No. RD 6744(G) 62 dated 23-10-1962, I am to enclose herewith the original letter No. 7918 dated 3-10-1962 together with its enclosures received from the Assistant Commissioner, Koppal wherein the facts of the case are detailed. In respect of other Writ Petitions the same facts hold good. The receipt of the papers may kindly be acknowledged.

Yours faithfully,

H.D.A. to the Dy.Commissioner
Raichur.

O/C signed by the
Dy.Commissioner.

Copy to the Secretary to the Government of Mysore, Law Department, Bangalore with reference to his order dated 10-10-1962 referred to above for favour of information.

H.D.A. to the Dy.Commissioner
Raichur.

O/C Signed by the
D.C.

Pl. refer to 'A' above. This may be referred to Reg:I to indicate as this does not pertain to 'B' section.

12/11/62

(Reg:I)

GOVERNMENT OF MYSORE

No RD.74.GWR.62

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 20-11-1962

FROM

The *Secretary to the Government of Mysore,*
Revenue Department.

To

The Deputy Commissioner,
Raichur District,
Raichur.

Sir,

Sub:- Writ Petition No.1099,1100,1101 and 1102 on the file of the High Court of Mysore, Bangalore - Rajappa and others Vs. State of Mysore and Asst. Commissioner, Koppal.

I am directed to acknowledge the receipt of records received with your letter No.JD-1467-CLM-62-63 dated 3rd M November 1962.

Yours faithfully,

21/11/62
(S. ABDUL WAJID)
Under Secretary to Government,
Revenue Department.

ACA/-

Received
22/11/62

No. JD/1467/CLW/62-63

Dy.Commissioner's Office,
Raichur. D/

To

The Advocate General,
in Mysore, Bangalore.

Sub: Writ petitions No.1098, 1100, 1101 and 1102 on the file of the High Court of Mysore, Bangalore - Rajappa and others Vs. State of Mysore and the Asst.Commissioner, Koppal.

...

Sir,

With reference to your L.No.6760/62-63 D/13-3-1963, I am to state that the connected records of the above case have been sent to the Govt. in Revenue Dept. Bangalore in accordance with the instructions contained in the Govt. Order No. LAW/458/LWS/1962 dated 10-12-1962 vide this office L.No. JD/1467/CLW/62-63 dated 3-11-1962. The same may kindly be obtained from the Revenue Dept.

Office of the Registrar I R.D. 22 MAR 1963

D/C signed by the Dy.Commissioner.

Yours faithfully,

H.Q.A. to Dy.Commissioner.

Copy submitted to the Secretary to Govt. of Mysore, Revenue Dept. Bangalore with reference to his L.No. RD/74/GMA/62 dated 20/22-11-62 with a request to send the records of the above case to the Advocate General, Bangalore as they are required by the Advocate General in connection with the preparation of Counter Affidavit to be filed in the above cases on behalf of Govt. of Mysore.

M/s.

H.Q.A. to Dy.Commissioner.

EXPRESS DELIVERY

GOVERNMENT OF MYSORE.

No. 7918
9-10-62

To The Deputy Commissioner,
RAICHUR.

Sub:-Writ Petition No.1099 of 1962.

Sir,

The replies to the Affidavit filed by the Petitioner Sri.Rajanna S/O Yellingappa S/O Gangavathi are as follows. Kindly address the Chief Secretary and the Advocate General for taking further action.

1. The facts of the case are that the Sy.Nos. mentioned in the Writ Petition are dry land as per Sethwar (Revenue Record) and are not localised under Tungabhadra Project either for Light, Heavy or Parat as such they are not eligible to get water from the Tungabhadra Project.

2. A short note about the Localisation Scheme under Tungabhadra Project is given below:-

The Tungabhadra Project is to provide irrigation facility for 2.8 lakhs of acres under the Low Level Canal and 5.8 lakhs of acres under the Left Bank Canal at an estimated cost of Rs.21.96 crores and Rs.31.1 Ex crores respectively.

3. The Left Bank Canal is meant for supplying water to the District Raichur. The following table will show the number of villages and Taluks which are going to be benefited by this canal:-

NAME OF TALUK.		NO. OF VILLAGES.	
1. Yeragal.	...	(16)	
2. Gangavathi.	....	(74)	
3. Lingsugur.	...	(148)	
4. M a n v i.	...	(126)	
5. Deodurg.	...	(3)	Some more villages are yet to be Localised.
6. Raichur.	...	(10).	

T O T A L. .....(377).

4. The principles governing the Localisation Scheme and how the Localisation Scheme was brought into force are given below:-

A careful examination of the command area was carried out. And the areas of the various grades of soil and particularly of the soils suitable for cultivation of paddy was fixed. According to the soil maps and figures, it was found that the tract under

the command of the main canal running to 127 miles consist mostly of Black Cotton Soil except for small patches in the Talukas Gangavathi, Manvi and Raichur, and that, soil suitable for heavy irrigation could be found to the extent of only one lakh of acres. The heavy irrigation is therefore has to be confined to this figure and accordingly 75,000-00 acres were localised for Sugarcane and Paddy. The intention being to serve as large an area of the scarcity tracts as possible with the facilities of Light Irrigation rather than to confer the benefits of intensive irrigation on a limited area. Accordingly, out of the gross command of about 10,87,000-00 acres under the canal and not irrigable command of about 3,25000-00 acres nearly 7/8th of the irrigable command were localised mostly for the irri-- gation of dry crops. The localisation was carried out in conformity with the cropping pattern by sanction of Government and was based on certain accepted principles.

5. When the plans were prepared by the Agricultural Units the area so recommended for localisation was inspected by a Revenue Officer along with the Irrigation and Agricultural Units and the localisation was proposed after taking into consideration, the economic factors of the village. No heavy irrigation was permitted within four furlongs of any human habitation but the lands if localised were to be reserved only for light irrigated crops. As for as possible localisation has been done restricting the crops of a particular kind to large well defined Block under a single Distributary, or Field Channel, and care has been taken to ensure that water logging is reduced to the minimum by localising the heavy irrigated lands adjacent to drainage natural drainage.

6. In order to regulate cultivation under irrigation project in exercise of the power conferred by Section 67 and 3/1 of the Hydera-bad Irrigation Act,1357(F) (of 1947) the Rules have been framed called "Rules Regulating Cultivation under Irrigation Projects 1356" which came into force from the date of their publication in the official gazette. A copy of which is enclosed for ready reference. However, after the finalisation of the localisation Scheme under the Tungabhadra Projec each and every land Owner whose lands were localised for cultivation of particular crops was served with intimation Slips.

7. The Localisation Rules made under Section 67 of Hyderabad Irri-gation Act, does not allow the cultivation against localisation.

8. The Petitioner has himself admitted that his land has not been localised at all and that he has done wet cultivation during the year 1969. The most important factor to be noted is that during the year 1967, the Petitioner has executed an Agreement Bond on Stamped Paper through which he has agreed to obey the orders and to stop wet cultivation and that he will draw no water in future. A copy of the Agreement Bond is enclosed. The original Agreement Bond attested by the then Tahsildar was preserved with the Executive Engineer P.W.D., Left Bank Canal Division, who is the Irrigation Officer. Inspite of this written agreement he has continued the illegal action.

9. The action of the Petitioner falls under the perview of Section 49 (b) of the Hyderabad Irrigation Act, and not under Section 31 of the said Act as mentioned in the Writ Petition. Part V of the Act mentioned above deals with the lands which are classed as wet only and the mode of recovery of such charges and penalties incurred on account of water being used in an unauthorised manner, has been shown in Section 39 of the Hyderabad Irrigation Act.

10. Apart from the year 1969, a statement showing the unauthorised wet cultivation done by the Petitioner during the previous years is also enclosed. It will be evident that this sort of unauthorised wet cultivation is being done since 1967; which shows that the Petitioner is violating constantly and intentionally even after executing an Agreement Bond. He was imposed one time penalty during the last two years, but again he continued the unauthorised cultivation during this year as well and therefore, in order to discourage this constant unauthorised wet cultivation and to assure adequate water supply to the legitimate ayacutdars a penalty of five times the wet assessment treating the Sy.No. as the basis was proposed and which was approved by the Zenim Jamabandi.

The expression "A person can be levied upto Rs.500/-" does not and cannot obviously mean that if that person has been levied a fine of Rs.500/- in case of one of his Survey Numbers he cannot be levied fine for his unauthorised action which he has committed in case of his another Survey Number also. Therefore, the basis of the unit of levying the fine cannot be all the holdings under that

person which may even be distributed in other villages, Taluks or even Districts, as such but the basis or the Unit would be in each such case by the same person in his different land individually and separately.

11. Every year, the Talukas of a District are distributed between the Asst.Commissioners and the Dy.Commissioner for conducting the Jamabandi of that year under orders of the Dy.Commissioner of the District. In this particular year out of three Talukas of Koptal Sub-Division, two Talukas were entrusted to the Assistant Commissioner, and the remaining one Taluka was taken up by the Dy.Commissioner himself. Thus, the Dy.Commissioner and the Asst. Commissioner act as Nazim Jamabandies for their respective Talukas as per the distribution. The capacity and powers of both the Dy.Commissioner and the Asst.Commissioner are the same as far as Jamabandi is concerned.

12. A copy of the Govt. Order empowering the Tahsildars to exercise the power under Section 49 of the Hyderabad Irrigation Act, is enclosed for ready reference. Under the said G.O. the Executive Engineer has to initiate action against the unauthorised irrigation and on that basis the Tahsildar has to pass orders under Section 49 of the Hyderabad Irrigation Act. This formality has been completed when the Petitioner gave an undertaking in writing not to continue his unauthorised action before the Tahsildar which was later on preserved with the Executive Engineer who is the Irrigation Officer. Therefore there was no necessity at all to hold further enquiry. All such penalties etc., are finalised from the accounts point of view also at the time of Jamabandi dealing with all such cases at a time. Accordingly the Nazim Jamabandi naturally took this into account at the time of finalisation of the accounts of that year.

13. If the Petitioner was aggrieved by the order of the Nazim Jamabandi (Asst.Commissioner) then he ought to have preferred an appeal to the Dy.Commissioner under Section 158 of the Hyderabad Land Revenue Act, 1317 Fasli. This has not been done deliberately by the Petitioner which shows that the Petitioner has not exhausted all the remedies before approaching the High Court.

14. It would not be out of place to mention here that if no fine or penalty is levied and only wet assessment is levied and unauthorised wet cultivation is allowed to continue it would amount to abetment, indirect encouragement and regularisation of unlawful action of going against localisation.

15. The action of the Petitioner makes the source less useful while defeating the very purpose of localisation for which huge amount has been spent and the Tungabhadra Project which has been constructed at the cost of crores of rupees to feed 5.8 lakhs of localised area may not be in a position to give assured water supply upto mile No.127 and the Govt. will not be in a position to fulfil its obligations towards rightful ayacutdars.

In view of all the above facts the Writ Petition deserves to be dismissed.

Yours faithfully,

ASSISTANT COMMISSIONER,
(Nagin Jamabandi)
Koppal.

Encl:- 24 pages consisting of relevant orders, statements etc.

Sd/-
TAHSILDAR GANGAVATHI.

Advance copy along with the enclosures submitted to:-

1. The Chief Secretary to Government of Mysore-Bangalore.
2. The Advocate General in Mysore-Bangalore.
3. The Divisional Commissioner, Gulbarga.

Yours faithfully,

ASSISTANT COMMISSIONER,
(Nagin Jamabandi)
Koppal.

TAHSILDAR GANGAVATHI.

M.S.R.

TAHSIL OFFICE
GANGAVATI

PART I C RULES.
REVENUE DEPARTMENT.

NOTIFICATION.

No.48/A2/350/55. dated 6-9-1956.

In exercise of the powers conferred by Section 67(1) and 3(1) of the Hyderabad Irrigation Act, 1357F (24 of 1357F) a Rajpramukh hereby makes the following Rules.

1. These Rules may be called the "Rules Regulating Cultivation under Irrigation Projects, 1956" and shall come into force from the date of their publication in the official gazette.

2. "Localisation" means allocation of the lands proposed to be served by an Irrigation Projects to different types of irrigation, viz. Perennial, wet garden and light.

3. For the purpose of Localisation work:-
i) "Revenue Officer" means any officer appointed by the Board of Revenue.
ii) "The Irrigation Officer" means any officer appointed by Govt. as such.
iii) "Agricultural Officer" means any officer appointed by Govt. as such.

4. In case of Localisation work is to be done on an extensive scale, Government shall appoint one or more than one officer for expediting such work.

5.(a) Sufficiently before irrigation under a Project is scheduled to commence, Govt. may constitute a Localisation party consisting of a Revenue Officer with an adequate field and clerical staff.

(b) The benefits of irrigation under a project may be extended to as large an area as possible consistent with the economic utility of water and other local consideration.

6. The Irrigation Officer shall inspect each village coming into command area, conduct counter surveys and take out levels on the basis of which he shall prepare a map for each village showing the area that can be easily served by the proposed irrigation system and pass it on to the Agricultural Officer.

7. The Agricultural Officer shall go into the village and inspect every field in the command-wanted area of the Project as shown in the map furnished by the Irrigation Officer, take soil samples, analyse them technically, both in the field and in the laboratory, and then classify the soils in each village into different catagories on the basis of their suitability for different types of irrigation.

8. The Agricultural Officer shall examine carefully in the following factors before allocating the soil in different types of irrigation.
i) Physico-analyse of the soil.
ii) Peculerities of the lower starta of the soil.
iii) Drainage capacity.
iv) Configeration of the Ayacut.
v) Such other technical details which may be prescribed by the Director Agriculture for soil classification work.

9. The Agricultural Officer shall, on the basis of the intensive survey and analytical work, mark on the map of each village the different soils available in the proposed ayacut and give them different colours viz. red, green and black etc. He shall also indicat in the foot note of the map the crops suited for different soils and types of irrigation.

Contd.....

10. After giving full details ~~as~~ of the soils and crops, the Agri-cultural Officer shall send the map to the Revenue Officers.

11. The Revenue Officer shall, with the aid of the map, inspect the village and then prepare a tentative Scheme for fixing the extent of irrigation and allocation of different crops in the village.

12. In fixing the extent, he shall give due consideration to:

i) the allowance to be made for village sites, communal needs, grazing and pastures etc.

ii) the lands un-suited for crops production be reasonably made over for other appropriate uses, like pasturage, irrigated forest etc.

iii) the extent in respect which there is likely to be steady demand for water in ordinary years.

iv) Selection of only such land having good soil or soil capable of restoring its fertility quickly and at small costs the governing condition being to obtain the optimum result for the expenditure or artificial supply.

v) leaving of a dry belt of atleast half a furlong arround a village to avoide maleria.

vi) extension of the benefit of assured water supply to as many villages as possible, consistent with economic utilisation of water.

vii) the economic condition of the people and their willingness to take to irrigation.

viii) the adequacy of the existing resources in the village in Agri-cultural cattle, population, transport facilities etc.

ix) the nature and extent of landholdings and the capacity of the land owners to develop their lands without much outside assistance.

x) the prospect of developping the localised lands within a reason-able time.

13. The lands to be allotted to different types of irrigation shall be in large compact blocks and as far as practicible there shall be a separate distributary for each type of irrigation. Irrigation of small patches shall be avoided and in the lands coming in the dry belt of the village, only heavy irrigation shall be prohibited.

14. The Revenue Officer shall send the Localisation Scheme for each village together with the map to the Collector of the District or any other officer as may be appointed by the Govt. in this behalf.

15. The Collector shall arrange to give due publicity to the Scheme in the village and on an appointed date, call a meeting of the villagers and ascertain their views and objections if any.

16. The Collector shall then, in consultation with the Revenue, Agri-cultural and Irrigation Officers, if necessary, finalise the Localisa-tion Scheme and affix one copy thereof in the village Chawdi and send the other copy to the Revenue Officer.

17. After the Scheme is thus finalised, the Revenue Officer shall prepare an avacut register showing:

(a) Name of Village, Taluq etc.
(b) The Survey Number of the Land.
(c) The nature of the soil.
(d) The name of land owner and others interested.
(e) The Block in which the land is to be included.
(f) The crop or crops to be grown every year.
(g) The crops rotation.
(h) The existing assessment and
(i) Remarks.

19. The Avacut register shall be in triplicate one for the Tahasil office, One for Divisions nd the third to be retained in the office of the District Collector.

20. Immediately after the receipt of the Ayacut Register, the Tahasildar shall issue individual notices to the persons whose lands are included in the Localisation scheme and direct them to prepare their lands for receiving water before the prescribed date.

20. Supply of water for irrigation from a project shall be regulated, as determined in the Localisation scheme.

21. It shall be incumbant on the land owners, whose lands have been proposed for irrigation, to take water for the crop and for the period as shown in the Localisation scheme.

22. When a land is included in a localisation scheme, it shall be compulsory for the land owner to pay the consolidated wet assessment of water rate for the land as may be determined by the Collector, irrespective of the fact whether he takes th canal water or not.

23. Any person contravening or violating the provisions of these rules shall be punishable by the Collector with a fine not exceeding Rs. 500/-.

24. An appeal against the orders of the Collector shall lie with the Board of Revenue whose decision shall be final.

25. Any fine imposed under the Rules shall be recoverable as arrears of land Revenue.

Sd/-
(Mohamad Abdulla)
Secretary.

" True Copy "

TAHASILDAR GANAGAWATI.

TAHSIL OFFICE GANGAWATI

Copy of Government Notification No.PWD 37 SCO 60 dated 21-6-1960.

****

In partial modification of the Government Notification No.PWD 321 ayn 58 dated 14-10-1958; the Government of Mysore hereby declares that the officers specified in Column No.(2) of the table belowshall with effect from 1-7-1960 exercise or perform all the powers and duties which are conferred or imposed on the Irrigation Officer under Section 27 thereof 4 of the Hyderabad Irrigation Act, 1357F (Hyderabad Act.XXIV of 1357F) within the local limits specified in Column (3), thereof.

TABLE.

Sl.No.	Officers.	Local Limits.
1.	The Executive Engineer, R.C.Division Munirabad.	Tungabhadra Left Bank Canal From Main canal miles 0-18 from distributary No.1 to Dist.No. 11/A.
2.	The Executive Engineer, Maintenance Division, Haddarhatti.	Main Canal miles 18-48 from Distributary 12 to Dist.21/A.
3.	The Executive Engineer, Canal Division No.4, Sindhanoor.	Main Canal miles 48-69 and distributary No.28 to Dist. No.54.

Sd/- S.Harishandraswamy,
Under Secretary to Govt., PWD(Services).

Copy of letter No.PWD 5967/MI dated 24-6-1960 from the Secretary to Government, PWD, Bangalore to the Executive Engineer, Munirabad, Haddarhatti and Sindhanoor.

****

Subject:-Measures to check the illegal activities of the Executants.

****

I am directed to refer to the letter No.TBP/Misc//60-61/162 dated 05-4-1960 from the Dy.Commissioner, Raichur district addressed to the Dy.Administrator, T.B.P.Munirabad and copy endorsed to you on the above subject and to state that the procedure for dealing with the cases pertaining to illegal activities of the Executants as under:-

On receipt of complaint, the Executive Engineer should enquire into the complaint and if he is satisfied he should draft a complaint and request the Government Advocate of the district to file the case in the Court of the Tahsildar. The Tahsildar after hearing the complaint may pass orders as per Section 49 of the Hyderabad Irrigation Act No.24 of 1357F. According to Notification No.PWD 321 ayn 58, dated 14-10-1958 the Dy.Administrator can initiate action if he personally comes across any such action during the period of inspection. In all other cases the Executive Engineer should initiate action as suggested above.

Sd/- C.J.Venkatesa Rao,
Under Secretary to Government, PWD.

"True Copy"

[illegible]

TAHSIL OFFICE GANGAVATI

Statement showing the Yearwise cultivation with assessment and penalty on the Writ Petitioner on his lands brought under Irrigation by utilising the T.B.P.Canal water without permission. Village Odderhatti, Taluq Gangavathi, District Raichur.

Sl.No.	Name of the Land Holder.	Year.	Sy.No.	Total area.	Bethwar Assessment.	CROPWISE AREA BROUGHT UNDER IRRIGATION BY UTILISING THE T.B.P.CANAL WATER WITHOUT PERMISSION.							Assessment.	Penalty.
						Paddy.	Sugarcane.	Bagat.	Light Kharif.	Light Rabi.	Tabi Paddy.	Tabi Groundnut.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 16
1.	Rajappa S/O Kalingappa.	1956-57.	25/B.	1-33.	2-25.	0-38.	0-37.	-	-	-	-	-	43-31.	
			29/B.	10-03.	7-30.	2-00.	-	-	-	-	-	-	24-00.	
		1957-58.	25/B.	1-33.	2-25.	-	0-37.	-	-	-	-	-	32-41.	
			29/B.	10-03.	7-30.	2-00.	5-00.	-	-	-	-	-	199-00.	
		1958-59.	25/B.	1-33.	2-25.	1-00.	-	-	-	-	-	-	12-00.	
			29/B.	10-03.	7-30.	3-20.	2-20.	-	-	-	-	2-00.	137-50.	
		1959-60.	29/B.	10-03.	7-30.	6-00.	2-00.	-	-	-	-	3-00.	154-00.	154-00.
			31/A.	5-11.	2-44.	2-20.	-	0-20.	-	-	-	-	39-00.	39-00.
			32/2B.	1-10.	1-11.	1-10.	-	-	-	-	1-00.	-	21-00.	21-00.
		1960-61.	29/B.	10-03.	7-30.	2-20.	4-00.	-	-	-	-	4-00.	186-00.	186-00.
			31/A.	5-11.	2-44.	2-00	-	-	-	-	1-00.	-	30-00.	30-00.
			32/1A.	1-22.	1-27.	1-00.	-	-	-	-	-	1-22.	18-20.	18-20.
			32/2B.	1-10.	1-11.	1-10.	-	-	-	-	-	-	15-00.	15-00.
		1961-62.	25/B.	1-33.	2-25.	-	0-30.	-	-	-	-	-	26-25.	131-25.
			29/B.	10-03.	7-30.	4-00.	2-20.	-	-	-	1-00.	8-00.	173-50.	367-50.
			31/A.	5-11.	2-44.	2-00.	-	-	-	-	2-00.	-	36-00.	180-00.
			32/1A.	1-22.	1-27.	1-00.	-	-	-	-	-	1-22.	18-20.	91-00.
			32/2A.	1-10.	1-10.	1-10.	-	-	-	-	1-10.	-	22-50.	112-50.

TAHSIL OFFICE GANGAVATI

TAHSILDAR GANGAVATHI.

Copy of Agreement

Stamped Paper.
Worth Rs.2/-

AGREEMENT

Whereas the Government have directed not to take water through Distributary 17 to S.No.25 measuring 18 acres 11 Gts. situated in Wadderhatti village as the said S.No. falls out of Ayacut for which the notice has also been served by the concerned authorities

Now this day I do hereby Agree that, as per the instructions of the Government, the executent will obey the orders and stop wet cultivation and will draw no water from the distributary No.17 in future. Hence the above Agreement is executed with free will and consent.

Executent.

Dated: 25th July 1959

L.T.I. of Rajappa s/o Kalingappa owner of S.No.25 of Wadderhatti village resident of Gangavati.

Witnesses:

1. Sd/- Gurachary
2. Sd/- Dadusab.

/ Attested /
Sd/-
(K.R.Maskikar)
Tahsildar Gangavati.

/ True copy /

Tahsildar Gangavati.

TAHSIL OFFICE GANGAVATI

Government of Mysore.

No.SRT/61-62/17646. Office of the Dy.Commissioner,
Raichur. Dated 5/6-3-1962.

To

The Tahsildars,
Manvi and Yelburga.

Subject:-Jamabandi for the year 1961-62 of Taluqs for conducting Jamabandi by the Mobile Jamabandi.

****

Sir,

The Jamabandi of Taluq Manvi and Yelburga will be conducted by the Dy.Commissioner, Raichur for the year 1961-62. It is therefore requested to please see that the preliminary work of "Sharanavisi" is completed within the scheduled time. Daily progress report of Sharanavisi showing the Centres should be sent regularly.

Yours faithfully,
Sd/-
for Dy.Commissioner,Raichur.

1. Copy to all the Asst.Commissioners for information and with a request to kindly send their programme pertaining to Jamabandi of remaining Taluks.

Further they are requested to send the Jamabandi files of (5) villages of each Taluq as specimen files for scrutiny by this office.

2. Copy to all the Tahsildars for information.

Sd/-
for Dy.Commissioner, Raichur.

"True Copy"

[illegible]
TAHSILDAR GANGAVATI.

TAHSIL OFFICE
तहसील
GANGAVATI

W.C.F.A.

GOVERNMENT OF MYSORE

OFFICE OF THE ADVOCATE-GENERAL
FOR MYSORE.

No. 3899/64-65. *Bangalore-1, dated..MAR..Dec...1964.*

FROM

The Advocate-General for Mysore,
Bangalore.

To

The Joint Secretary & Solicitor to
Government, Law Department,
Vidhana Soudha, Bangalore.

SIR,

Sub: Writ Petition No.1099 - 1102 of 62 -
(Rajappa Vs. State of Mysore and others)

Ref: Govt. Order No.LAW 452 LNP 62 dt. 10.10.62.

The above writ petitions were allowed on 7.10.1964 by the Hon'ble Court. There was also an order as to costs in each case, the advocate's fee being fixed at Rs.100/-.

The case relates to the levy of penalty for unauthorised use of water under the Hyderabad Irrigation Act and Rules. The question raised was that an officer below the rank of a Talukdar was not competent to levy penalty and even if the Talukdar was to levy the penalty, it can only be done after an opportunity was given to the persons concerned. Reliance on behalf of the State was placed on Section 49(b)(h) and the Rules framed under Section 67(1) and (3)(i) of the Irrigation Act. The Hon'ble Court, in interpreting all these provisions, came to the conclusion that the levy was unsustainable. Hence, all the petitions were allowed with costs as stated above.

Yours faithfully,

(B.Venkatasvami)
High Court Government Pleader.

Copy to:-

1. The Secretary to Government, Revenue Department, Bangalore.

2. The Deputy Commissioner, Raichur Dist. Raichur.

for information.

.....

GOVERNMENT OF MYSORE

No. Law 458 LWP 62.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, 6 Feb 1965.

Secretary to the Government of Mysore,
Law Department

To

The Advocate General for Mysore,
BANGALORE.

Sir,

Subject:- Writ Petitions No.1099,1100, 1101 and 1102/62 on the file of the High Court - Rajappa and others Vs. The State of Mysore and others.

Reference:- 1) High Court order dated 7-10-1964 - Allowe

2) Law Department Letter No.Law 458 LWP 62 dated 20-11-1964.

With reference to the above, I am directed to request you kindly to expedite a free copy of the order of the High Court dated 7-10-1964 passed on Writ Petitions No.1099, 1100, 1101 and 1102/62 with your opinion on the question of feasibility of preferring an appeal before the Supreme Court.

Yours faithfully,

Sd/-.

(P. RAMACHANDRA RAO)
Under Secretary to Government,
Law Department.

CR/-5

Copy to Revenue Department (74 CTP 62) for information.

(P. RAMACHANDRA RAO)
Under Secretary to Government,
Law Department.

GOVERNMENT OF MYSORE

OFFICE OF THE
DIVISIONAL COMMISSIONER &
ex officio ADMINISTRATOR, T.B.P.
GULBARGA.

Dated 1st May, 1965

No. TBP/ MSC/524/64.65.
Encl. (five)

To

The Secretary to Government,
Revenue Department.,
"Vidhana Soudha " Bangalore.

Sub:- Levy of penalty under the Hyderabad Irrigation Act in the Tungabhadra Project area.

Sir,

The Deputy Commissioner Raichur, through his letter No.GAD/1467/CLW/62.63 dated 16.1.1965(copy enclosed) has reported that the High Court of Mysore in Bangalore have allowed a batch of Writ Petition against the Levy of Penalty imposed by the Nazim Jamabandi during the year 1962 under the Hyderabad Irrigation Act and rules framed thereunder. The levy of penalty by the Nazim Jamabandi has been held to be ultra vires in as much as the Nazim Jamabandi has not been vested with the powers of a Collector under the provisions of Hyderabad Irrigation Act.

Jamabandi of taluks in this area is usually conducted by the Deputy Commissioners and the Assistant Commissioners, the former attending to the Jamabandi work of one taluk in each Revenue sub-division. Hence, it was necessary that the other taluks of the sub-division should be entrusted to the Assistant Commissioners for Jamabandi work. Levy of Penalty under Irrigation Act is usally attended to at the time of Jamabandi and the Officer conducting Jamabandi finalises penalties. This penalty imposed by the Nazim Jamabandi, has been held to be ultra-vires by the High Court.

Section 49(h) of Hyderabad Irrigation Act lays down that any person committing an affence under

p.t.o.

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the Act shall on a conviction be fined by Deputy Commissioner. Rule 23 of the Irrigation Rules also requires the punishment to be awarded to the persons contravening or violating the rules. There is no provision in the Hyderabad Irrigation Act or the rules framed thereunder, enabling the Deputy Commissioner to delegate his powers to the Assistant Commissioners. This has to be done by Government. This issue was discussed in the Deputy Commissioners meeting held on 12.4.1965. It was decided to request Government to delegage the power of Collector under Hyderabad Irrigation Act to the Assistant Commissioners so that the legal difficulty in matters of levy of penalty under Irrigation Act could be over come.

I therefore, request that the power of Collector under Hyderabad Irrigation Act and rules framed thereunder may be delegated to the Assistant Commissioner, Koppal, Assistant Commissioner, Lingusugur, and the Assistant Commissioner,Raichur. Government orders may please be obtained and communicated early.

o.c.signed by
Divil.Commr.

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

msr)*

Copy of the letter No.JD 1467 CLW 62.63 dated 16.1.1965 of the Deputy Commissioner, Raichur addressed to the Divisional Commissioner, Gulbarga.

Sub:- Levy of penalty under the Hyderabad Irrigation Act in T.B.P.area clarification sought.

=======

Sir,

With reference to the above, I write to state that the Honourable High Court of Mysore in Bangalore while allowing a batch of writ petitions have passed orders on 7th October,1964 that the penalty levied by the Nazim Jamabandi during the year 1962 against the respondents under the Hyderabad Irrigation Act and the Rules framed thereunder are ultra vires in as much as they have not been imposed by the competent authority under the provisions of the said Act.

The facts of the case are that at the time of jamabandi of Gangawati Taluk, the Assistant Commissioner in the capacity of the Nazim Jamabandi has levied penalty on the respondents for having contravened the Rule 23 of "Rules Regulating cultivation under Tungabhadra Project 1956" in the T.B.P.ayacut area. Against this order of the Assistant Commissioner the present writs were filed before the High Court contending that the Assistant Commissioner and the Tahsildar who imposed penalty at the time of jamabandi was not competent under the said Rules. Rule (23) of "Rules regulating cultivation under T.B.P.1956" reads as under:-

> "Any person contravening or violating the provision of these Rules shall be punishable by the Collector with a fine not exceeding Rs.500/-"

2. It is seen that the Assistant Commissioner who was conducting the Jamabandi of this taluk has suo-moto imposed these fines on the recommendation made by the Tahsildar without obtaining the approval of the Deputy Commissioner as required under the said Rules. He has completed the jamabandi of this taluk and also prepared the demand statements of all the villages coming under the T.B.P.ayacut assuming that he was competent to do so in the capacity of Nazim Jamabandi. At present a number of appeal petitions are being received against the orders of the Nazim Jamabandi in respect of penalty levied by the Assistant Commissioner Koppal in Gangawati taluk. The appellants rely upon the decision of the High Court cited above and have prayed for quashing of the penalty levied by the Asst.Commissioner,Koppal. The order of the High Court under reference has to be followed. In the order of the High Court under reference it has been clearly stated that the order levying penalty on the cultivators by the Asst.Commissioner as Nazim Jamabandi under rule 23 of the above Rules was not a competent order. In the Hyderabad Land Revenue Act and also in the Mysore Land Revenue Act,1964 nothing is mentioned about the powers and functions of Nazim Jamabandi Officer. In fact the jamabandi is conducted to fix up the assessment etc. of the villages in accordance with the existing orders and Rules framed by the Govt. The Nazim Jamabandi does not derive any statutory powers under the existing enactment to enable him to take action for the imposition of penalty etc. His functions are limited only to see that the accounting done in the village record is in accordance with the statutory enactment and rules framed by the Government. If the Jamabandi is conducted by the Deputy Commissioner of a particular Taluk he can, in exercise of the powers conferred on him under statutory enactments, pass final orders in regard to levy of penalty and imposition of Sivai Jamabandi etc. If the Jamabandi is conducted by the Asst.Commissioner, he cannot exercise the powers of the Deputy Commissioner at the time of conducting of jamabandi and he has to fix up the assessment and penalty etc., according to the orders passed previously by the competent authorities. Ofcourse the Assistant Commissioner being a superior Officer can revise or modify the orders of the Tahsildar at the time of Jamabandi or he can pass final orders, if he is competent to do so. But in the instant case, it is seen that thepowersx to levy fine

p.t.o.

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for unauthorised cultivation are exclusively vested in the Deputy Commissioner and unless there is delegation of powers he cannot take action for the levy of penalty under the said Act. Therefore the orders passed by the Asst.Commissioner in Gangavati taluk imposing penalty on the ayacutdars for the violation of the Irrigation Rules requires to be regularised in view of the decision of the High Court of Mysore.

The Asst.Commissioner has already fixed up the demand for each ayacutdar under Irrigation Act. Therefore whatever the demand he has fixed requires to be examined once again by the Deputy Commissioner and final orders have to be passed by the Deputy Commissioner in individual cases. Pending regularisation of all these cases, the penalty levied by the Nazim Jamabandi cannot be enforced for collection in view of the decidion of the High Court.

3. At this stage I would like to submit the following points for consideration before proceeding further in the matter.

1) Whether it is desirable to confirm all the orders of Nazim Jamabandi Officer for the year 1962 in exercise of the powers vested in the Deputy Commissioner under the Irrigation Act and Rules framed thereunder.

2) Wether to refix the demand by levying penalty etc., in each case by this office.

3) Whether the orders passed by the previous Nazim Jamabandi Officers who are the Asst.Commissioners have to be considered as null and void and "de-novo" action is to be taken to regularise the fixation of assessment.

4. In view of the decision of the High Court in write petition No.1099-1102 of 1962 it is noticed that a number of appeal petitions are filed under Irrigation Act against the orders of the Nazim Jamabandi Officer. Invariably in all these cases the orders of Nazim Jamabandi Officer have to be withdrawn resulting in loss of Revenue to Government due to legal defect pointed out by the High Court.

5. In these circumstances, I request you kindly to clarify the points raised above if need be in consultation with the Secretary to Government, Law Department before taking a final decision. The Secretary to Government, Law Department, Bangalore has addressed the Advocate Geberal for Mysore, Bangalore vide his letter No.LAW/458/LWP/62 dated 20.11.1964 to forward a copy of the order of the High Court dated 7.10.1964 with his opinion on the question of filing an appeal before the Supremen Court against the said order and copy marked to the Revenue Department and to this office.

6. The copy of the order of High Court dated 7.10.1964 under reference and copy of the letter of Secretry to Law Department referred above are enclosed herewith for ready reference.

Early action is solicted in this regard.

Yours faithfully,
sd/-Special Dy.Commr.Raichur.

/ True copy /

(3772/6-11-64)

43

IN THE HIGH COURT OF MYSORE AT BANGALORE.
Dated the 7th Day of October, 1964.

as Present.

The Hon'ble Mr.Justice K.S.Hegde

and

The Hon'ble Mr.Justice Ahmed Ali Khan.

WRITE PETITION NUMBER 1099 OF 1962.

connected with w.Ps 1100,1101 and 1102/62.

In W.P.1099/62

Rajappa son of Kalingappa,
Occupation Agriculture,
R/o Gangavati, Dist.Raichur.

In W.P. 1100/62

Ramappa son of Narasa Naika,
Occupation..R/oGangavathi
District Raichur.

In W.P.1101/62.

Bhimappa Basar S/o Ramappa,
Occupation Agriculturist,
R/o Gangavathi, Dist.Raichur.

In W.P.1102/62.

Lakshmi Bai Alias Achamma,
wife of Krishtachar,
Occupation Agriculture-cum-
Household, R/o Gangavati Dist.
Raichur.

PETITIONERS.

(By Shri V.H.Ron for Petitioners)

Vs.

In all W.Ps.

1. The State of Mysore through
Chief Secretary, Vidhana
Soudha, Bangalore-1.

2. Madarkal Narsing Rao, B.A.,
Asst.Commissioner & Nazim Jamabandi,
Koppal Raichur Dist.

3. R.K.Joshi,
Tahsildar, Gangavati,
Dist.Raichur.

RESPONDENTS.

Respondents.

(By Sri B.Venkataswamy, High Court Govt.
Pleader for Respondents).

Writ Petitions under Article 226 of the Constitution of India with an affidavit praying that in the circumstances stated therein this court may be pleased to issue a Writ of Prohibition prohibiting the Respondents from proceeding further with the levy of the Penalty as calculated under exhibit B by the III Respondent, Tahsildar, Gangavathi, for the year 1962 under the Hyderabad Irrigation Act and further prohibit them from recovery of same as arrears of Land Revenue and to issue a Writ of Mandamus directing the Respondents to collect only the Wet assessment as contemplated by Section 31 of the Hyderabad Irrigation Act after giving deduction for the Dry Assessment etc.

These Writ Petitions coming on for hearing of this day Hegde, J.,made the following:.

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ORDER.

These are connected Petitions under Article 226 of the Constitution. They raise common question for decision.

The only relief pressed at the time of the hearing is that the penalties imposed on the petitiXoners under Ex.B.the record prepared at the time of the Jamabandi should be quashed as having been levied by a person having no authority to levy the same and that the same was levied without giving the petitioners an opportunity to represent their case.

In the affidavits filed in support of these petitions it was agreed that the penalties in question had been levied on the petitioners by theTahsildar who was not competent under law to levy the same. That levy was approved by the Asst.Commissioner who it is said had no authority to either levy any penalities of to approve the levy made by the Tahsildar. The penalties in question had been, levied on the petitioners on the ground that they have been unauthorisedly taking water for cultivation purposes from the Tunga Bhadra Project.

The respondents havenot filed any counter affidavit in these cases. They have not joined issue with the petitioners on the question that respondents 2 and 3 had no competence to impose the impugned levy. Nor has it been denied on behalf of the respondents that the levy in question has been made without giving any opportunity to the petitioners to have their say in the matter.

At the time of the hearing of these petitions, we asked the learned Government Pleader as to the provision of law under which the impugned levy was made. At first he relied on Section 49, clause (h) of the Hyderabad irrigation Act (Act XXIV of 1357 Fasli). That provision empowers the Taluqdar to levy a fine not exceeding Rs.500/-on persons who contravene any rule made under Sec.67 of the Act and that on conviction before him. This provision is wholly inapplicable to the facts of the present case. The petitioners before this Court have not been prosecuted at all. The learned Government Pleader next relied on Rule 23 of the rules framed under the Hyderabad Irrigation Act. That Rule reads;

> " Any person contravening or violating the provisions of these rules, shall be punishable by the Collector with a fine not exceeding Rs.500/-"

In the present case no fine as such has been levied. More than that the penalties in these cases were not imposed by the collector. It was done by the Tahsildar.

In the circumstances mentioned above we have to hold that the penalties impugned in these proceedings were imposed xxxxxxx without the authority of law. Hence these petitions are allowed and the penalties impugned in these proceedings are quashed. The respondents shall pay the costs of the petitioners Advocate's fee Rs.100/- in each of these petitions.

sd/-K.S.Hegde, Judge
sd/-Shamed Ali Khan, Judge.

True copy signed by
Deputy Commr.Raichur.

/ True copy /

Draft I Page 4

NOTIFICATION.

In exercise of the powers conferred by clause (k) of section 3 read with section 4 of the Irrigation Act, 1357 F (Hyderabad Act No.XXIV of 1357 Fasli), the Government of Mysore hereby appoints the following officers of the Revenue Department to exercise, within the local limits of their jurisdiction, the powers and perform the duties which are conferred or imposed on the Irrigation Officer by or under the said Act, namely:-

1. Tahsildar, Gangavati.
2. Tahsildar, Koppal.
3. Tahsildar, Manvi.
4. Tahsildar, Raichur.
5. Tahsildar, Sindhanoor.

By Order and in the name of the Governor of Mysore,

Secretary to Govt.,
Public Works, P.W. ~~Department~~ Electrical Department

To

The Compiler, Mysore Gazette, for publication in the next issue of the Gazette and 25 copies of the publication to him.

6/8/65

K. N. GUNDAPPA,
Asst. Draftsman & Ex-Officio
Under Secy., Law Department.

Copy to the Director Comm. Gulbarga &
to the C.E. (P) 1st Cross
to the C.E. (P) 2nd Cross
to the E.E. Gulbarga Circle, Gulbarga
to the D.C.'s of Raichur, Gulbarga &
Bellary DCs.
Mysore Gazette.

Copy of the L.No.LAW 458 LWP dt.20th Novr.1964 from the Secy. to the Government of Mysore, Law Department Bangalore addressed to the Advocate General for Mysore Bangalore.

47

Sir,

Sub: Writ Petitions 1099 to 1102/62 on the file of the High Court - Rajappa and 3 other Vs The State of Mysore and two other - Arrears of Land Revenue.
Ref: High Court Order dt.7.10.64 - Allowed.

With reference to the above, I am directed to request you kindly to forward immediately a free copy of the order of the High Court dated 7.10.64 passed on the above Writ Petitions with your opinion on the question of feasibility of filing an appeal before Supreme Court against the said order.

Yours faithfully,

sd/-P.Ramachandra Rao,
Under Secy.to Government Law Dept.

Copy to:.
The Rev.Department Bangalore.
The Deputy Commissioner,Raichur of information.

true copy signed by
Dy.Commr.Raichur.

/ true copy /

DRAFT NOTIFICATION:

In exercise of the powers conferred by Sec.67 of the Hderabad Irrigation Act 1357 Fasl, the Government of Mysore delegates the powers of Dy.Commissinner under the said Act and Rules framed thereunder to the Asst.Commissioner, Koppal, Asst.Commissioner, Lingusugar and the Asst.Commissioner, Raichur.

By order and etc...

Dy.Secy.to Govt.PWD(I).

To

The Compiler Mysore Gazette for publication in the next issue of the Gazette and
/25 forward copies of the notification to-Govt.

The Divl.Commissioner, Gulbarga Division.
The C.E.(Gl) Bangalore,
The C.E(IP), Bangalore,
The S.E., Gulbarga Circle, Gulbarga.
The Dy.Commissioner, Raichur, Gulbarga and Bidar Districts.
The Asst.Commissioners of Lingusugur, Raichur and Koppal Divisions.

Copy to:-
Weekly Gazette.

~~Dey. Secy. to Govt. PWD(I).~~

Draft

NOTIFICATION.

In exercise of the powers conferred by clause (j) of section 3 ~~of~~ read with section 4 of the Irrigation Act, 1357 F (Hyderabad Act No.XXIV of 1357 Fasli), the Government of Mysore hereby appoints the following officers and empowers them to exercise, within the local limits of their jurisdiction, the powers and perform the duties which are conferred or imposed on the Deputy Commissioner by or under the said Act, namely:-

1. The Assistant Commissioner, Koppal.
2. The Assistant Commissioner, Lingusugur
3. The Assistant Commissioner, Raichur.

By Order and in the name of the Governor of Mysore,

Secretary to Government, Public Works and Electricity Department.

To

The Compiler, Mysore Gazette. for publication in the next issue of the Gazette and 25 Copies of the Notification when issued

6/8/65

K. N. GUNDAPPA,
Asst. Draftsman to Govt.
Under Secy., Law Department.

50

GOVERNMENT OF MYSORE

NO. PWD 51 LBW 65

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 19-8-1965.

NOTIFICATION.

In exercise of the powers conferred by clause (j) of section 3 read with section 4 of the Irrigation Act, 1357 F (Hyderabad Act No.XXIV of 1357 Fasli), the Government of Mysore hereby appoints the following officers and empowers them to exercise, within the local limits of their jurisdiction, the powers and perform the duties which are conferred or imposed on the Deputy Commissioner by or under the said Act, namely:-

1. The Assistant Commissioner, Koppal.
2. The Assistant Commissioner, Lingusugur
3. The Assistant Commissioner, Raichur.

By Order and in the name of the
Governor of Mysore,

M Channappa 19/8/65

(M.Channappa)
Deputy Secretary to Government,
Public Works & Electricity Department.

To

The Compiler, Mysore Gazette for publication in the next issue of the gazette and supply of 25 copies of the notification to Government in Public Works Department Secretariat.

Copy to the Divisional Commissioner, Gulbarga Division,
Copy to the Chief Engineer(General) Bangalore.
Copy to the Chief Engineer(Irrigation Project)Bangalore.
Copy to the Superintending Engineer, Gulbarga Circle, Gulbarga.
Copy to the Deputy Commissioner's, of Raichur, Gulbarga, and Bidar Districts.
Weekly Gazette.
Govt.Order File.

bgn/18-8-65.

Issued 20/8/65

57

GOVERNMENT OF MYSORE

No. PWD 51 LBW 65-1

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 19 - 8-1965.

NOTIFICATION

In exercise of the powers conferred by clause (k) of section 3 read with section 4 of the Irrigation Act, 1357 F (Hyderabad Act No.XXIV of 1357 Fasli), the Government of Mysore hereby appoints the following officers of the Revenue Department to exercise, within the local limits of their jurisdiction, the powers and perform the duties which are conferred or imposed on the Irrigation Officer by or under the said Act, namely:-

1. Tahsildar, Gangavati.
2. Tahsildar, Koppal.
3. Tahsildar, Manvi.
4. Tahsildar, Raichur.
5. Tahsildar, Sindhanoor.

By Order and in the name of the
Governor of Mysore.

(M. Channappa) 19/8/65

Deputy Secretary to Government
Public Works & Electricity Department.
(Irrigation).

Issued
Dated 20/8/65

To

The Compiler, mysore Gazette for publication in the next issue of the gazette and supply of 25 copies of the notification to Government in Public Works Department Secretariat.

Copy to the Divisional Commissioner, Gulbarga Division,
to the Chief Engineer(General) Bangalore.
to the Chief Engineer(Irrigation Projects) Bangalore
to the Superintending Engineer, Gulbarga Circle,
Gulbarga.
to the Deputy Commissioner's of Raichur, Gulbarga.and
Bidar Districts.
Weekly Gazette.
Govt.Order File

bgn/18-8-65

GOVERNMENT OF MYSORE

NO. PWD 51 LBW 65

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore. Dated 19-8-1965.

NOTIFICATION.

In exercise of the powers conferred by clause (j) of section 3 read with section 4 of the Irrigation Act, 1357 F (Hyderabad Act No.XXIV of 1357 Fasli), the Government of Mysore hereby appoints the following officers and empowers them to exercise, within the local limits of their jurisdiction, the powers and perform the duties which are conferred or imposed on the Deputy Commissioner by or under the said Act, namely:-

1. The Assistant Commissioner, Koppal.
2. The Assistant Commissioner, Lingusugur
3. The Assistant Commissioner, Raichur.

By Order and in the name of the
Governor of Mysore,

M Channappa 19/8/65

(M.Channappa)
Deputy Secretary to Government,
Public Works & Electricity Department.

To

The Compiler, Mysore Gazette for publication in the next issue of the gazette and supply of 25 copies of the notification to Government in Public Works Department Secretariat.

Copy to the Divisional Commissioner, Gulbarga Division,
Copy to the Chief Engineer(General) Bangalore.
Copy to the Chief Engineer(Irrigation Project)Bangalore.
Copy to the Superintending Engineer, Gulbarga Circle, Gulbarga.
Copy to the Deputy Commissioner's, of Raichur, Gulbarga, and Bidar Districts.
Weekly Gazette.
Govt.Order File.

bgn/18-8-65.

GOVERNMENT OF MYSORE

No. PWD 51 LBW 65-/

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 19 - 8-1965.

NOTIFICATION

In exercise of the powers conferred by clause (k) of section 3 read with section 4 of the Irrigation Act, 1357 F (Hyderabad Act No.XXIV of 1357 Fasli), the Government of Mysore hereby appoints the following officers of the Revenue Department to exercise, within the local limits of their jurisdiction, the powers and perform the duties which are conferred or imposed on the Irrigation Officer by or under the said Act, namely:-

1. Tahsildar, Gangavati.
2. Tahsildar, Koppal.
3. Tahsildar, Manvi.
4. Tahsildar, Raichur.
5. Tahsildar, Sindhanoor.

By Order and in the name of the
Governor of Mysore.
M. Channappa 19/8/65
(M. Channappa)
Deputy Secretary to Government
Public Works & Electricity Department.
(Irrigation).

To

The Compiler, mysore Gazette for publication in the next issue of the gazette and supply of 25 copies of the notification to Government in Public Works Department Secretariat.

Copy to the Divisional Commissioner, Gulbarga Division,
to the Chief Engineer(General) Bangalore.
to the Chief Engineer(Irrigation Projects) Bangalore
to the Superintending Engineer, Gulbarga Circle,
Gulbarga.
to the Deputy Commissioner's of Raichur, Gulbarga.and
Bidar Districts.
Weekly Gazette.
Govt.Order File

bgn/18-8-65

RD 5130 E 65

GOVERNMENT OF MYSORE

OFFICE OF THE
DIVISIONAL COMMISSIONER &
ex officio ADMINISTRATOR, T.B.P.,
GULBARGA.

Dated 12th Aug: 1965

No. TBP/ MSC/524/64.65.

To

The Secretary to Government,
Revenue Department.,
Vidhana Soudha, Bangalore.

Sub:- Levy of Penalty under Hyderabad Irrigation Act in T.B.P., area.

Ref:- This office Letter No.TBP/MSC/524/64.65 dt.3rd May 1965.

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S i r :

Please refer to above letter through which Government were requested to delegate the powers of Collector under Hyderabad Irrigation Act and rules framed thereunder to the Assistant Commissioners of Koppal, Lingsugur and Raichur Sub-Divisions.

The Special Deputy Commissioner, Raichur through his letter dated 27th July,1965 has recommended that only the powers under section 49(1)(h) of the Hyderabad Irrigation Act and Rule 23 of the "Rules regulating cultivation under Irrigation Project, 1955" may be delegated to the Assistant Commissioners for the purposes of conducting Jamabandi and levying penalty under the Act.

On a closer examination of the case, it is seen that the powers of Collector under the Hyderabad Irrigation Act are fairly wide and it would not be necessary to delegate all these powers to the Assistant Commissioners. But the recommendation of the Deputy Commissioner to restrict the delegation to section 49(1)(h) of the Act would leave various other Irrigation offences to be looked into by the Deputy Commissioners. It may not be possible for the Deputy Commissioner to attend to all these day to day irrigation offences enumerated under section 49 of the Act.

I therefore recommend that all the powers of Collector under Section 49 of the Hyderabad Irrigation Act may be delegated to the Assistant Commissioners of Koppal, Lingsugur and Raichur.

I request you to obtain and communicate Government orders in the matter very early.

o.c.signed by
Divl.Commr.

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

msr)*

MYSORE GOVT. SECRETARIAT * No. 4115/D. 1 AUG 1965 * RECEIPTS ISSUE SECTION

This may be transferred to "I" Sub

A draft letter is put up for approval.

5130

Supdt Rev E

RD 27.8.65

RD 5130 E 6[redacted]

To The Div Comr Gulbarga

Sub: As at ø 1 Cl

Ref your letter No. TBP/MSE 524/64.65 Dt 12.8.65

Sir,

I am directed to state that the connected papers have been transferred to PWD for necessary action. Further correspondence may please be made with the Secy to Govt PWD.

Yours

Issued
Dated 27/8/65

27/8

Copy with the copy of the Div. Comr letter is forwarded to P.W.D for necessary action. The Revenue Dept file RD 74 AWR 65 on the above subject has been transferred to PWD on 15.5.65.

GOVERNMENT OF MYSORE

No. RD 5130 [illegible] 65.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore,.....August.196 5.

FROM

The Secretary to the Government of Mysore,
Revenue Department.

To

The Divisional Commissioner,
Gulbarga Division,
Gulbarga.

Sir,

Sub:- Levy of Penalty under Hyderabad Irrigation Act in C.D.P., Area -

Ref:- Your letter No.RD/I C/324/64-65 dated 12-8-1965.

I am directed to state that the connected papers have been transferred to Public Works Department for needful action. Further correspondence may please be made with the Secretary to Government, Public Works Department.

Yours faithfully,

(C.A. Gunaste)
Under Secretary to Government,
Revenue Department.

Copy with the copy of the Divisional Commissioner's letter is forwarded to P.W.D. for needful action. The Revenue Department file RD 74 GWR 62 on the above subject has been transferred to P.W.D. on 13-5-65.

nr.25/

GOVERNMENT OF MYSORE

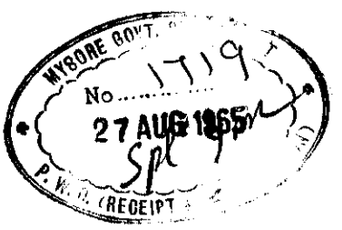
No. RD 5130 R 65.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 27 August 196 5.

FROM

The Secretary to the Government of Mysore,
Revenue Department.



To

The Divisional Commissioner,
Gulbarga Division,
Gulbarga.

Sir,

Sub:- Levy of Penalty under Hyderabad Irrigation Act in T.B.P., Area -

Ref:- Your letter No.TBP/155/321/64-65 dated 12-8-1965.

I am directed to state that the connected papers have been transferred to Public Works Department for needful action. Further correspondence may please be made with the Secretary to Government, Public Works Department.

Yours faithfully,

(V.A. Gunaste)
Under Secretary to Government,
Revenue Department.

Copy with the copy of the Divisional Commissioner's letter is forwarded to P.W.D. for needful action. The Revenue Department file RD 74 GMR 62 on the above subject has been transferred to P.W.D. on 13-5-65.

nr.25/

Copy of the letter No.TBP/MSC/524/64-65 dated 12th August 1965 from the Divisional Commissioner, Gulbarga addressed to the Secretary to Government, Revenue Department, Bangalore.

Sub:- Levy of Penalty under Hyderabad Irrigation Act in T.B.P., area -

Ref:- This office letter No.TBP/MSC/524/64-65 dated 3rd May 1965.

Please refer to above letter through which Government were requested to delegate the powers of Collector under Hyderabad Irrigation Act and rules framed thereunder to the Assistant Commissioners of Koppal, Lingsugur and Raichur Sub Divisions.

The Special Deputy Commissioner, Raichur through his letter dated 27th July, 1965 has recommended that only the powers under section 4((1)(h) of the Hyderabad Irrigation Act and Rule 23 of the "Rules regulating cultivation under Irrigation Project, 1956" may be delegated to the Assistant Commissioners for the purposes of conducting Jamabandi and levying penalty under the Act.

On a closer examination of the case, it is seen that the powers of Collector under the Hyderabad Irrigation Act are fairly wide and it would not be necessary to delegate all these powers to the Assistant Commissioners. But the recommendation of the Deputy Commissioner restrict the delegation to sanction 49(1)(H) of the Act would leave various other Irrigation offences to be looked into by the Deputy Commissioners. It may not be possible for the Deputy Commissioner to attend to all these day to day irrigation offences enumerated under section 49 of the Act.

I therefore recommend that all the powers of Collector under Section 49 of the Hyderabad Irrigation Act may be delegated to the Assistant Commissioners of Koppal, Lingsugur and Raichur.

I request you to obtain and communicate Government orders in the matter very early.

// COPY //

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 7th day of October, 1964.

PRESENT

THE HON'BLE MR.JUSTICE AHMED ALI KHAN.

AND

THE HON'BLE MR.JUSTICE K.S.HEGDE.

WRIT PETITION NUMBER 1099 OF 1962.

Connected with W.Ps. 1100 and 1102/62.

In W.P. No. 1099/62:

Rajappa son of Kalingappa,
Occupation Agriculture,
R/o Gangawati, District, Raichur.

In W.P. 1100/62

Ramappa son of Narasa Naika,
Occupation ..R/o Gangawati,
District Raichur.

In W.P. 1101/62:

Bhimappa Dasar s/o Ramappa,
Occupation Agriculturist,
R/o Gangawati, District, Raichur.

In W.P. 1102/62

Lakshmi Bai Alias Achamma,
Wife of Krishtachar,
Occupation Agriculture-cum-
Household, Resident of
Gangawati, District, Raichur. PETITIONERS

(By Shri V.K.Rao for Petitioners)

Versus/-

In all W.Ps;

1. The State of Mysore through
the Chief Secretary, Vidhana
Soudha, Bangalore.1.

2. Adarkal Narsing Rao,B.A.,
Assistant Commissioner & Nagim Jamabandi,
Koppal Raichur District.

RESPONDENTS

3. R.K. Joshi, Tahsildar,
Gangavathi District, Raichur.

(By Sri.B.Venkataswamy, High Court Government Pleader for respondents)

...

Writ Petitions under Articles 226 of the

constitut

61

Constitution of India with an affidavit praying that in the circumstances stated therein this Court may be pleased to issue a writ of Prohibition prohibiting the Respondents from proceeding further with the levy of the Penalty as calculated under exhibit B b the III Respondent, Tahsildar, Gangawati, for the year 1962 under the Hyderabad Irrigation Act and further prohbbit them from recovery of same as arrears of Land Revenue and to issue a writ of mandamus directing the Respondents to collect only the West assessment as contemplated by Section 51 of the Hyderabad Irrigation Act after giving deduction for the Dry Assessment etc.

These Writ Petitions coming on for hearing this day Hegde, J., made the following:-

ORDER

These are connected petitions under Article 226 of the constitution. They raise common question for decision.

The only relief pressed at the time of the hearing is that the penalties imposed on the petitioners under Ex.B, the record prepared at the time of the Jambandi should be quashed as having been levied by a person having no authority to levy the same and that the same was levied without giving the petitioners an opportunity to represent their case.

In the affidavit filed insupport of these petitions it was averred that the penalties

in question

in question had been levied on the petitioners by the Tahsildar who was not competent under law to levy the same. That levy was approved by the Assistant Commissioner who it is said had no authority to either levy any penalties or to approve the levy made by the Tahsildar. The penalties in question had been levied on the petitioners on the ground that they have been unauthorisedly taking water for cultivation pruposes from the Tunga Bhadra Project.

The respondents have not filed any counter affidavit in these cases. They have not joined issue with the petitioners on the question that respondents 2 and 3 had no competence to impose the impugned levy. Nor has it been denied on behalf of the respondents that the levy in question has been made without giving any opportunity to the petitioners to have their say in the matter.

At the time of the hearing of these petitions, we asked the learned Government Pleader as to the provision of law under which the impugned levy was made. At first he relied on Section 49, Clause (h) of the Hyderabad Irrigation Act(Act XXIV of 1357 Fasli). That provision empowers the Taluqdar to levy a fine not exceeding Rs.500/- on persons who contravene any rule made under Section 67 of the Act and that on conviction before him. This provision is wholly inapplicable to the facts of the present case. The petitioners before this

court,

63

cannot have not been prosecuted at all. The learned Government Pleader next relied on Rule 23 of the rules framed under the Hyderabad Irrigation Act. That Rule reads:

> "Any person contravening or violating the provisions of these rules, shall be punishable by the Collector with a fine not exceeding Rs.500/-.

In the present case no fine as such has been levied. More than that the penalties in these cases were not imposed by the Collector. It was done by the Tahsildar.

In the circumstances mentioned above we have to hold that the penalties impugned in these proceedings were imposed without the authority of law. Hence these petitionrs are allowed and the penalties impugned in these proceedings are quashed. The respondents shall pay the costs of the petitioners. Advocate's fee Rs.100/- in each of these petitioners.

Sd/- H.S.Hegde, Judge,

Sd/- Ahmed Ali Khan, Judge.

MEMORANDUM OF COSTS INCURRED IN WRIT PETITION 1099/62

	BY THE PETITIONER.	BY THE RESPONDENTS.
1. Court fee on petition	25/-Rs.	
2. Court fee on power of Attorney	3/-Rs.	
3. Court fee on process	4½/-Rs.	
4. Advocate's fee.	100/-Rs.	100/-Rs.
Total:-	Rs. 132 ½/-	100/-

It is ordered that the Respondents do pay

It is ordered that the Respondents do pay to the petitioner a sum of Rs.132-50(Rupees One Hundred and thirty-two and np.fifty) only being the amount of costs incurred in this petition in this court

Sd/-K.Bhimiah,
Registrar.

MEMORANDUM OF COSTS INCURRED IN W.P.1102/62.

	By the petitioner	By the Respondents.
1. Court fee on Petition	25-00	
2.Court fee on power of Attorney	3-00	
3. Court fee on Processes.	4-50	
4. Advocate's fee.	100 -00	100-00
TOTAL:-	132.50	100-00

It is ordered that the respondents do pay thepetitioner a sum of Rs.132- 50 np.(Rupees One Hundred and thirty two and Np., fifty)only being the amount of costs incurred in this petition in this court.

Sd/-K.Bhimiah,
Registrar.

Sd/-
Second Deputy Registrar.

J.bai.
5th.J.

65

do pay the petitioner sum of Rs.132-50 np., (Rupees One Hundred and thirty two and np., fifty) only being the amount of cost incurred in this petition in this court.

Sd/-K.Bhimiah,
Registrar.

MEMORANDUM OF COSTS INCURRED IN W.P.1100/62

	by the Petitioner		by the Respondent.	
	Rs.	Np.	Rs.	nP.
1. Court fee on petition	25-	00		
2. Court fee on Power of Attorney.	3-	00		
3. Court fee on Process	4-	50		
4. Advocate's fee.	100-	00	100-	00
TOTAL:-	132-00		100-00	

It is ordered that the Respondents do pay to the petitioner a sum of Rs. 132-50nP.,(Rupees One hundred and thirty-two and nP., fifty) only being the amount of costs incurred in this petition in this court.

Sd/-K.Bhimiah,
Registrar.

MEMORANDUM OF COSTS INCURRED IN W.P.1101/62.

	By the petitioner	by the Respondents.
1.Court fee on Petition	25-00	
2. Court fee on power of Attorney.	3-00	
3. Court fee on Process	4.50	
4. Advocate's fee.	100-00	100-0
TOTAL:-	132-50	

Appendix F. G.—1]

SUBJECT Levy of Penalty under Hyderabad Irrigation Act in TBP area.

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the 195 .

Date of issue.....

Signed by.....

List of enclosures .....

Copied by.....

Examined by .....

Section

File No.

Serial No.

No.

To

The Divisional Commissioner
Gulbarga Dn
Gulbarga.

With reference to
your letter no TBP/MSC/
S24/64-65 dated 12-8-/65
addressed to the Secretary
to Govt. Rev. Dept.
on the above
subject, I am directed
to state that by
virtue of the

Adaptations made by the State of
Mysore in regard to the expression
Talukdar appearing in the Hyderabad
Jorigahan Act as meaning the "Collector
& the notification already issued
under sections 4 & 6 of the Act, would
cover the exercise of the powers
under cl 9 (1) of the Act also
within their jurisdictions.
~~would in their notifications~~. As such
there is no need to issue any
further notification in regard to
the areas within their jurisdictions.

Yours faithfully

Deputy Secretary to Govt. Rev.

Copy of the above forwarded to RD for information
with reference to their letter No. RD 51/30 & 6
Dated 27-8-1965.

provision to
will become to
perform the functions
and exercise the powers
of a collector under
the Act.

GOVERNMENT OF MYSORE

No. PWD 51 LSW 65.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 16...12. 1965.

FROM

The *Secretary to the Government of Mysore,*
Public Works Department.

To

The Divisional Commissioner,
Gulbarga Division, Gulbarga.

Sir,

Sub:-Levy of Penalty under Hydrabad Irrigation Act in Tungabhadra Project area.

With reference to your letter No.TBP/MSC/524/64-65, dated 12-8-65 addressed to the Secretary to Government, Revenue Department on the above subject, I am directed to state that by virtue of the adoptations made by the State of Mysore in regard to the expression Taluqdar appearing to the Hyderabad Irrigation Act as meaning the 'Collector', the Notification already issued under Section 4 of the Act appointing the Assistant Commissioner to perform the functions and exercise the powers of a Collector under the Act would cover the exercise of the Powers under 49(1) of the Act also within their jurisdictions.

As such there is no need to issue any further notification in regard to the areas within their Jurisdictions.

Yours faithfully,

Sd/-

(M.Channappa)
Deputy Secretary to Govt.,
P.W.D(Irrigation).

Copy of the above is forwarded to the Revenue Department for information with reference to their letter No.RD 5130 E 65, dated 27-8-1965.

16/12/65

Deputy Secretary to Govt.,
P.W.D(Irriga.).

ACA

16/12/65

O/C

Free
16/12

Note Continuation Sheet 3279/N2/65

Subject ... Levy of Penalty under the Hyderabad Irrigation Act in WB

File No. ... 65

WB 014899—GP B—8,00,000—5-12-64

Reference and markings	T BP Area Notes and Orders	Para Number

Letter No. TBP/MSC/52(1) 64-65 dt 23-6-65 from the Asst. Comm. Gulbarga

Puct is for perusal at Page (1) 1 & ~~2~~ onwards. The previous reference has been transferred to Pwd Spl. Irrign Branch. Hence this may also be transferred to that Branch W 28/6.

28/6/65 Spl I. Section

7/7/65

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn. Wing)

Stitching Space

8/2/17

2)

The matter has already been worked up in the file No Pwd 51 Agrs 65. This PR may also placed in the above cited file Supdt to see pl.

15/7/65

21.7.65

Sol. N

MYSORE GOVT. SECRETARIAT
No. 347/ID/65
3 JUL 1965
TWD (SPECIAL IRRIGATION)

Levari Pla. in PWD Agrs 65

GOVERNMENT OF MYSORE

Express Delivery

OFFICE OF THE
DIVISIONAL COMMISSIONER &
ex officio ADMINISTRATOR, T.B.P.,
GULBARGA.

Dated 6.6.65 196

No. TBP/ MSC 524/ 64-65

MYSORE CONT. SECRETARIAT
No. 3279
25 JUN 1965
P.W.D. (R&C) II

To

The Secretary to Government,
Public Works Department,
Vidhan Soudha, Bangalore.

Subject: Levy of penalty under the Hyderabad Irrigation Act in the T.B.P. area.

Sir,

I enclose a copy of this office letter No: TBP MSC 524 64-65 dated 3-5-1965 addressed to the Secretary to Government, Revenue Department, Bangalore along with the accompaniments. The Secretary to Government, Revenue Department, Bangalore through letter No: RD 3415 E 65 dated 10-6-65 informs me that the previous reference from my office dated 3-5-65 has been transferred to you for necessary action.

I request you to obtain the orders of Government appointing Revenue Officers viz; Tahsildars of Raichur, Manvi, Sindhanoor, Gangavati and Koppal and the 3 Assistant Commissioners, the Spl. Deputy Commissioner and Dy. Commissioner, Raichur, as Irrigation Officers for the purpose of the Hyderabad Irrigation Act. Draft notification appointing these Officers as Irrigation Officers is enclosed to facilitate further action. If the Revenue Officers are not immediately empowered, it will not be possible for them to levy penalties for unauthorised Irrigation. This will create complications, besides resulting in loss of Revenue to Government. I, therefore request you to obtain immediate orders of Government in the matter.

Yours faithfully,

For Divisional Commissioner.

Encls.- 7 Papers
o.c.signed by
Divl. Commr.

DRAFT NOTIFICATION.

In exercise of the powers conferred by sub-section (k) of Section 3 of the Hyderabad Irrigation Act, as in force in the Erstwhile Hyderabad Government Karnatak area, Government of Mysore, hereby appoints the following Officers to be the Irrigation Officers under the Hyderabad Irrigation Act.

1- Tahsildar, Raichur.
2- Tahsildar, Manvi.
3- Tahsildar, Sindhanoor.
4- Tahsildar, Gangavati.
5- Tahsildar, Koppal.
6- Assistant Commissioner, Raichur.
7- Assistant Commissioner, Lingsugur.
8- Assistant Commissioner, Koppal.
9- Deputy Commissioner, Raichur.
10- Special Deputy Commissioner, Raichur.

By Order and in the name of
Governor of Mysore

Secretary to Government
Public Works Department,
Bangalore.

COPY of this office letter No: TBP MSC 524/64-65 dated 3-5-65 addressed to the Secretary to Government Revenue Department, Bangalore.

Subject: Levy of penalty under the Hyderabad Irrigation Act in the TBP area.

Sir,

The Deputy Commissioner, Raichur through his letter No: GAD/1467/CLM/62-63 dated 16-1-1965 (Copy enclosed) has reported that the High Court of Mysore in Bangalore have allowed a batch of writ petition against the Levy of Penalty imposed by the Nazim Jamabandi during the year 1962 under the Hyderabad Irrigation Act and rules framed thereunder. The levy of penalty by the Nazim Jamabandi has been held to be ultra virus in as much as the Nazim Jamabandi has not been vested with the powers of a Collector under the provisions of Hyderabad Irrigation Act.

Jamabandi of taluks in this area is usually conducted by the Deputy Commissioners and the Assistant Commissioners, the farmer attending to the Jamabandi work of one taluk in each Revenue sub-division. Hence, it was necessary that the other taluks of the sub-division should be entrusted to the Assistant Commissioners for Jamabandi work. Levy of Penalty under Irrigation Act is usually attended to at the time of Jamabandi and the Officer conducting Jamabandi finalises penalities. This penalty imposed by the Nazim Jamabandi, has been held to be ultra vires by the High Court.

Section 49 (h) of Hyderabad Irrigation Act lays down that any person committing an offence under the Act shall on conviction be fined by Deputy Commissioner. Rule 23 of the Irrigation Rules also requires the punishment to be awarded to the persons contravening or violating the rules. There is no provision in the Hyderabad Irrigation Act or the rules framed thereunder, enabling the Deputy Commissioner to delegate his powers to the Assistant Commissioners. This has to be done by Government. This issue was discussed in the Deputy Commissioners meeting held on 12-4-1965. It was decided to request Government to delegate the power of Collector under Hyderabad Irrigation Act to the Assistant Commissioners, so that the legal difficulty in matters of levy of penalty under Irrigation Act could be over come.

I therefore request that the power of Collector under Hyderabad Irrigation Act and rules framed thereunder may be delegated to the Assistant Commissioner, Koppal, the Assistant Commissioner, Lingusugur and the Assistant Commissioner, Raichur. Government orders may please be obtained and communicated early.

Yours faithfully,

Sd/-
for Divisional Commissioner
Gulbarga.

Copy to the Deputy Commissioner, Raichur for information.

COPY

26/2/6.

COPY of letter No: JD 1467 CLW 62-63 dt. 16-1-65 from the Deputy Commissioner, Raichur, addressed to the Divisional Commissioner, Gulbarga.

Subject: Levy of penalty under the Hyderabad Irrigation Act in TBP area clarification sought.

Sir,

With reference to the above, I write to state that the Honourable High Court of Mysore in Bangalore while allowing a batch of writ petitions have passed orders on 7th October 1964 that the penalty levied by the Nazimmx Jamabandi during the year 1962 against the respondents under the Hyderabad Irrigation Act and the Rules framed thereunder are ultra vires in as much as they have not been imposed by the competent authority under the provisions of the said Act.

The facts of the case are that at the time of Jamabandi of Gangavati taluk, the Assistant Commissioner in the capacity of the Nazim Jamabandi has levied penalty on the respondents for having contravened the Rule 23 of "Rules Regulating cultivation under Tungabhadra Project 1956% in the T.B.P. ayacut area. Against this order of the Assistant Commissioner the present writs were filed before the High Court contending that the Assistant Commissioner and the Tahsildar who imposed penalty at the time of Jamabandi was not competent under the said Rules. Rule (23) of "Rules regulating cultivation under T.B.P. 1956" reads asunder:

> " Any person contravening or violating the provision of these Rules shall be punishable by the Collector with a fine not exceeding Rs.500/-."

2. It is seen that the Assistant Commissioner who was conducting the Jamabandi of this taluk has suo-moto imposed these fines on the recommendation made by the Tahsildar without obtaining the approval of the Deputy Commissioner as required under the said Rules. He has completed the Jamabandi of this taluk and also prepared the demand statements of all the villages coming under the TBP ayacut assuming that he was competent to do so in the capacity of Nazim Jamabandi. At present a number of appeal petitions are being received against the orders of the Nazim Jamabandi in respect of penalty levied by the Assistant Commissioner, Koppal in Gangavati taluk. The appellants rely upon the decision of the High Court cited above and have prayed for quashing of the penalty levied by the Assistant Commissioner, Koppal. The order of the High Court under reference has to be followed. In the order of the High Court under reference it has been clearly stated that the order levying penalty on the cultivators by the Assistant Commissioner as Nazim Jamabandi under rule 23 of the above Rules was not a competent order. In the Hyderabad Land Revenue Act and also in the Mysore Land Revenue Act, 1964 nothing is mentioned about the powers and functions of Nazim Jamabandi Officer. In fact the Jamabandi is conducted to fix up the assessment etc. of the villages in accordance with the existing orders and Rules framed by the Government. The Nazim Jamabandi does not derive any statutory powers under the existing enactment to enable him to take action for the imposition of penalty etc. His functions are limited only to see that the accounting done in the village record is in accordance with the statutory enactment and rules framed by the Government. If the Jamabandi is conducted by the Deputy Commissioner of a particular taluk he can, in exefcise of the powers conferred on him under statutory enactments, pass final orders in regard to levy of penalty and imposition of Sivai Jamabandietc. etc

--2

If the Jamabandi is conducted by the Assistant Commissioner, he cannot exercise the powers of the Deputy Commissioner at the time of conducting of Jamabandi and he has to fix up the assessment and penalty etc., according to the orders passed previously by the competent authorities. Of Course the Assistant Commissioner being a superior Officer can revise or modify the orders of the Tahsildar at the time of Jamabandi or he can pass final orders, if he is competent to do so. But in the instant case, it is seen that the powers to levy fine for unauthorised cultivation are exclusively vested in the Deputy Commissioner and unless there is delegation of powers he cannot take action for the levy of penalty under the said Act. Therefore, the orders passed by the Assistant Commissioner in Gangavati taluk imposing penalty on the ayacutdars for the violation of the Irrigation rules requires to be regularised in view of the decision of the High Court, of Mysore.

The Assistant Commissioner has already fixed up by the demand for each ayacutdar under Irrigation Act. Therefore whatever the demand he has fixed requires to be examined once again by the Deputy Commissioner and final orders have to be passed by the Deputy Commissioner in individual cases. Pending regularisation of all these cases, the penalty levied by the Nazim Jamabandi cannot be enforced for collection in view of the decision of the High Court.

3- At this stage I would like to submit the following points for consideration before proceeding further in the matter.

1) Whether it is desirable to confirm all the orders of Nazim Jamabandi Officer for the year 1962 in exercise of the powers vested in the Deputy Commissioner under the Irrigation Act and Rules framed thereunder.

2) Whether to refix the demand by levying penalty etc. in each case by this office.

3) Whether the orders passed by the previous Nazim Jamabandi Officers who are the Asst. Commissioners have to be considered as null and void and 'de-novo' action is to be taken to regularise the fixation of assessment.

4- In view of the decision of the High Court in writ petition No. 1099=1102 of 1962 it is noticed that a number of appeal petitions are filed under Irrigation Act against the orders of the Nazim Jamabandi Officer. Invariably in all these cases the orders of Nazim Jamabandi Officer have to be withdrawn resulting in loss of Revenue to Government due to legal defect pointed out by the High Court.

5- In these circumstances, I request you kindly to clarify the points raised above if need be in consultation with the Secretary to Government Law Department before taking final decision. The Secretary to Government, Law Department, Bangalorehas addressed the Advocate General for Mysore, Bangalore vide his letter No: LAW 458 LWP 62 dated 20-11-1964 to forward a copy of the order of the High Court dated 7-10-1964 with his opinion

on the question of filing an appeal before the Supreme Court against the said order and copy marked to the Revenue Department and to this office.

6. The copy of the order of High Court dated 7-10-1964 under reference and copy of the letter of Secretary to Law Department referred above are enclosed herewith for ready reference.

Early action is solicited in this regard.

Yours faithfully,

Sd/-
Special Deputy Commissioner,
Raichur.

COPY.

29/2/16.

(3772/6-11-64)

IN THE HIGH COURT OF MYSORE AT BANGALORE
Dated the 7th day of October 1964.

Present:

The Hon'ble Mr. Justice K.S.Hegde

a n d

The Hon'ble Mr. Justice Ahmed Ali Khan.

WIRT PETITION NUMBER 1099 of 1962.

connected with W.Ps 1100, 1101 and 1102/62.

In W.P. 1099/62:

Rajappa son of Kalingappa,
Occupation Agriculture,
R/o Gangavati, Dist. Raichur.

In W.P. 1100/62:

Ramappa son of Narsa Naika,
Occupation- R/o Gangavati,
District Raichur.

In W.P. 1101/62:

Bhimappa Dasar s/o Ramappa,
Occupation Agriculturist,
R/o Gangavati, Dist. Raichur.

In W.P. 1102/62:

Lakshmi Bai Alias Achamma,
wife of Krishtachar,
Occupation Agriculture-cum-
Household, r/o Gangavati Dist.
Raichur.

PETITIONERS

(By Shri V.H. Ron for Petitioners)

Vs.

In all W.Ps:

1- The State of Mysore through
Chief Secretary, Vidhan
Soudha, Bangalore-1

2- Madarkal Narsing Rao, B.A.,
Asst. Commissioner & Nazim
Jamabandi, Koppal, Raichur Dist.

3. R.K.Joshi, Tahsildar,
Gangavati, Dist. Raichur.

RESPONDENTS.

(By Shri B.Venkataswamy, High Court Govt.
Pleader for Respondents).

Writ petitions under Article 226 of the Constitution of India with an affidavit praying that in the circumstances stated therein this court may be pleased to issue a writ of Prohibition prohibiting

--2

the Respondents from proceeding further with the levy of the penalty as calculated under exhibit B by the III Respondent, Tahsildar, Gangavati, for the year 1962 under the Hyderabad Irrigation Act and further prohibit them from recovery of same as arrears of Land Revenue and to issue a Writ of Mandamus directing the Respondents to collect only the Wet assessment as contemplated by Section 31 of the Hyderabad Irrigation Act after giving deduction for the Dry assessment etc.

These Writ Petitions coming on for hearing of this day Hegde, J., made the following:

ORDER

These are connected petitions under Article 226 of the Constitution. They rise common question for decision.

The only relief pressed at the time of the hearing is that the penalties imposed on the petitioners under Ex-B the record prepared at the time of the Jamabandi should be quashed as having been levied by a person having no authority to levy the same and that the same was levied without giving the petitioners an opportunity to represent their case.

In the affidavits filed in support of these petitions it was arred that the penalties in question had been levied on the petitioners by the Tahsildar who was not competent under law to levy the same. That levy was approved by the Assistant Commissioner who it is said had no authority to either levy any penalties or to approve the levy made by the Tahsildar. The penalties in question had been, levied on the petitioners on the ground that they have been unauthorisedly taking water for cultivation purposes from the Tungabhadra Project.

The respondents have not filed any counter affidavit in these cases. They have not joined issue with the petitioners on the question that respondents 2 and 3 had no competence to impose the impugned levy. Nor has it been denied on behalf of the respondents that the levy in question has been made without giving any opportunity to the petitioners to have their say in the matter.

At the time of the hearing of these petitions, we asked the learned Government Please as to the provision of law under which the impugned levy was made. At first he relied on Section 49, clause (h) of the Hyderabad Irrigation Act (Act XXIV of 1357 Fasali) That provision empowers the Talukdar to levy a fine not exceeding Rs. 500/- on persons who contravene any rule made under Sec. 67 of the Act and that on conviction before him. This provision is wholly inapplicable to the facts of the present case. The petitioners before this Court have not been prosecuted at all. The learned Government Pleader next relied on Rule 23 of the rules framed under the Hyderabad Irrigation Act. That Rule reads:

> "Any person contravening or violating the provisions of these rules, shall be punishable by the Collector with a fine not exceeding Rs.500/-".

In the present case no fine as such has been levied. More than that the penalties in these cases were not imposed by the Collector. It was done by the Tahsildar.

In the circumstances mentioned above we have to hold that the penalties impugned in these proceedings were imposed without the authority of law. Hence these petitions are allowed and the penalties impugned in these proceedings are quashed. The respondents shall say the costs of the petitioners. Advocates' fee Rs. 100/- in each of these petitions.

Sd/- K.S.Hegde, Judge
Sd/- Ahmed Ali Khan,
Judge.

-/True Copy/-

Sd/-
Spl. Dy. Commissioner, Raichur.

-/Copy of the True Copy/-

22/6.

COPY of the L.No: LAW 458 LWP 62 dt. 20th Novr. 1964 from the Secretary to the Government of Mysore, Law Department, Bangalore addressed to the Advocate General for Mysore, Bangalore.

Sir,

Sub: Writ petitions 1099 to 1102/62 on the file of the High Court - Rajappa and 3 others Vs The State of Mysore and two other - Arrears of Land Revenue.

Ref: High Court Order dt. 7-10-64 - Allowed.

With reference to the above, I am directed to request you kindly to forward immediately a free copy of the order of the High Court dated 7-10-1964 passed on the above Writ Petitions with your opinion on the question of feasibility of filing an appeal before Supreme Court against the said order.

Yours faithfully,

Sd/-
P. Ramachandra Rao,
Under Secy. to Government Law Deptt.

Copy to:

The Rev. Department, Bangalore.
The Deputy Commissioner, Raichur for information.

True Copy
Sd/-
Spl. Deputy Commissioner, Raichur.

Copy of the true copy.

27/6.

GOVERNMENT OF MYSORE

No. RD 3415 E 65.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore,..10.6.1965

FROM

The Secretary to the Government of Mysore,
Revenue Department.

To

3014.

The Divisional Commissioner,
Gulbarga Division.

Sir,

Sub:- Levy of penalty under the Hyderabad Irrigation Act in the T.B.P. area.

Ref:- Your reminder No. TBP/MSC/524/64-65. dated 29.5.65.

Your letter No. TBP/MSC/524/64-65, dated 3.5.65. has been forwarded to the P.W.D. for action. Further correspondence may please be made with the Secretary to Government, Public Works Department.

Yours faithfully,

(V.A. GUMASTE)
Under Secretary to Government,
Revenue Department.

11/6/65

mr

Copy in continuation of the Revenue Dept file No. RD 74 GWA 62, sent to P.W.D. on 15.5.65.

PWD 3014/MQ-65.

Submitted

It appears this may pertain to PWD Special Irrigation section.

S/S
Irrign.
Section

28/6/65

RD 3509 E 65

GOVERNMENT OF MYSORE.

No.Law 458 LWP 62

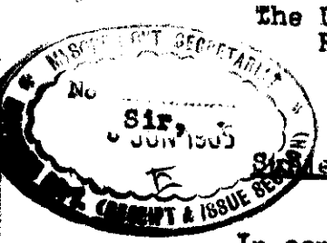
Mysore Government Secretariat,
"Vidhana Soudha",
Bangalore, Dated: ~~28th May~~ 6th June 1965.

From

The Under Secretary to Government of Mysore,
Law Department, Bangalore.

To

The Deputy Commissioner,
Raichur District,
RAICHUR.



Sir,

Subject: Writ Petition No.1099 and 1102/1962 on the file of the High Court of Mysore.

In continuation of the Government Order No.LAW 458 LWP 62 dated 16.10.62 on the above subject, I am directed to forward herewith for information and needful action a copy of the High Court Order, in the above case.

Yours faithfully,

Renewal

BND/2

~~Under~~ Secretary to Government,
Law Department.

Copy forwarded to Revenue Dept for information and necessary action

MINISTRY OF ...
No. 1256
17 JUN 1965
P.W.D. (RECEIPT)
Spl. Engr.

The Revenue Dept file RD74 dwR
102 on the above subject has been
transferred to PWD on 15.5.65. (wherein
the Govt. Lawyers has recommended
to appoint the Asst. Engrs as Enforcing
authorities & levy penalties under the Hyderabad
Irrigation Act.) This may be send to
PWD in continuation.

11/6 14/6/65 PWD

11/6
V. A. GUMASTE,
Under Secy., Revn. Dept.

Action has already been taken separately
in the file no PWD S/L Lawyers No separate
Action is called for this [illegible] Letter may
be placed in the main file

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 7th day of October,1964.

PRESENT

THE HON'BLE MR.JUSTICE AHMED ALI KHAN.

AND

THE HON'BLE MR.JUSTICE K.S.HEGDE.

WRIT PETITION NUMBER 1099 OF 1962.

Connected with W.Ps. 1100 and 1102/62.

In W.P. No. 1099/62:

Rajappa son of Kalingappa,
Occupation Agriculture,
R/o Gangawati, District, Raichur.

In.W.P. 1100/62

Ramappa son of Narasa Naika,
Occupation ..R/o Gangawati,
District Raichur.

In W.P. 1101/62:

Bhimappa Dasar s/o Ramappa,
Occupation Agriculturist,
R/o Gangawati, District, Raichur.

In.W.P. 1102/62

Lakshmi Bai Alias Achamma,
Wife of Krishtachar,
Occupation Agriculture-cum-
Household, Resident of
Gangawati, District, Raichur. PETITIONERS

By Shri V.K.Rao for Petitioners)

Versus/-

In all W.PS;

1. The State of Mysore through
the Chief Secretary, Vidhana
Soudha, Bangalore.1.

2. Madarkal Narsing Rao,B.A.,
Assistant Commissioner & Nagim Jamabandi,
Koppal Raichur District.

3. R.K. Joshi, Tahsildar,
Gangavathi District, Raichur. RESPONDENTS

(By Sri.B.Venkataswamy, High Court Government Pleader for respondents)

...

Writ Petitions under Articles 226 of the

Constitution

Constitution of India with an affidavit praying that in the circumstanc sstated therein this Court may be pleased to issue a writ of Prohibition prohibiting the Respondents from proceeding further with the levy of the Penalty as calculated under exhibit B b the III Respondent, Tahsildar, Gangawati, for the year 1962 under the Hyderabad Irrigation Act and further prohbbit them from recovery of same as arrears of Land Revenue and and to issue a writ of mandamus directing the Respondents to collect only the West assessment as contemplated by Section 31 of the Hyderabad Irrigation Act after giving deduction for the Dry Assessment etc.

These Writ Petitions coming on for hearing this day Hegde, J., made the following:-

ORDER

These are connected ...ons under Article 226 of the constitution. They raise common question for decision.

The only relief pressed at the time of the hearing is that the penalties i posed on the petitioners under Ex.B, the record prepared at the time of the Jamabandi should be quashed as having been levied by a person having no authority to levy the same and that the same was levied without giving the petitioners an opportunity to represent their case.

In the affidavit filed insupport of these petitions it was averred that the penalties

in question

in question had been levied on the petitioners by the Tahsildar who was not competent under law to levy the same. That levy was approved by the Assistant Comm ssioner who it is said had no authority to either levy any penalties or to approve the levy made by the Tahsildar. The penalties in question had been levied on the petitioners on the ground that they have been unauthorisedly taking water for cultivation pruposes from the Tunga Bhadra-Project.

The respondents have not filed any counter affidavit in these cases. They have not joined issue with the petitioners on the question that respondents 2 and 3 had no competence to impose the im ugned levy. Nor has it been denied on behalf of the respondents that the levy in question has been made without giving any opportunity to the petitioners to have their say in the matter.

As the time of the hearing of these petitiones, we asked the learned Government Pleader as to the provision of law under which the impugned levy was made. At first he relied on Section 49, Clause (h) of the Hyderabad irrigation Act(Act XXIV of 1357 Fasli). That provision empowers the Taluqdar to levy a fine not exceeding Rs.500/- on persons who contravene any rule made under Section 67 of the Act and that on conviction before him. This provision is whol y inapplicable to the facts of the present case. The petitioners before this

court,

cannot have not been prosecuted at all. The learned Government Pleader next relied on Rule 23 of the rules framed under the Hyderabad Irrigation Act. That Rule reads:

> "Any person contravening or violating the provisions of these rules, shall be punishable by the Collector witha fine not exceeding Rs.500/-.

In the present case no fine as such has been levied. More than that the penalties in these cases were not imposed by the Collector. It was done by the Tahsildar.

In the circumstances mentioned above we have to hold that the penalties impugned in these proceedings were imposed without the authority of law. Hence these petitionrs are allowed and the penalties impugned in these proceedings are quashed. The respondents shall pay the costs of the petitioners. Advocate's fee Rs.100/- in each of these petitioners.

Sd/- H.S.Hegde, Judge,

Sd/- Ahmed Ali Khan, Judge.

MEMORANDUM OF COSTS INCURRED IN WRIT PETITION 1099/62

	BY THE PETITIONER.	BY THE RESPONDENTS.
1. Court fee on petition	25/-Rs.	
2. Court fee on power of Attorney	3/-Rs.	
3. Court fee on process	4½/-Rs.	
4. Advocate's fee.	100/-Rs.	100/-Rs.
Total:-	Rs. 132 ½/-	100/-

It is ordered that the Respondents do pay

do pay the petitioner sum of Rs.132-50 np., (Rupees One Hundree and thirty two and np., fifty) only being the amount of cost incurred in this petition in this court.

Sd/-K.Bhimiah
Registrar.

MEMORANDUM OF COSTS INCURRED IN W.P.1100/62

	by the Petitioner		by the Respondent.	
	Rs.	Np.	Rs.	nP.
1. Court fee on petition	25-	00		
2. Court fee on Power of Attorney.	3-	00		
3. Court fee on Process	4-	50		
4. Advocate's fee.	100-	00	100-	00
TOTAL:-	132-00		100-00	

It is ordered that the Respondents do pay to the petitioner a sum of Rs. 132-50nP.,(Rupees One hundred and thirty-two and nP., fifty) only being the amount of costs incurred in this petition in this court.

Sd/-K.Bhimiah,
Registrar.

MEMORANDUM OF COSTS INCURRED IN W.P.1101/62.

	By the petitioner	by the Respondents.
1.Court fee on Petition	25-00	
2. Court fee on power of Attorney.	3-00	
3. Court fee on Process	4.50	
4. Advocate's fee.	100-00	100-00
TOTAL:-	132-50	100-00

It is

It is ordered that the Respondents do pay to the petitioner a sum of Rs.132-50(Rupees One Hundred and thirty-two and np.fifty) only being the amount of costs incurred in this petition in thi court.

Sd/-K.Bhimiah,
Registrar.

MEMORANDUM OF COSTS INCURRED IN W.P.1102/62.

	By the petitioner	By the Respondents.
1. Court fee on Petition	25-00	
2.Court fee on power of Attorney	3-00	
3. Court fee on Processes.	4-50	
4. Advocate's fee	100 -00	100-00
TOTAL:-	132.50	100-00

It is ordered that the respondents do pay thepetitioner a sum of Rs.132- 50 nP.(Rupees One Hundred and thirty two and Np., fifty)only being the amount of costs incurred in this petition in this court.

Sd/-K.Bhimiah,
Registrar.

Sd/-
Second Deputy Registrar.

J.bai.
5th.J.

pr 3548 J 3953 J pr 4940 / Mg-65 J PWD 17 LBW 65.

Letter Nos. TBP/Msc/52 / 64-65, TBP/EST/22/64-65, dt TBP/Msc/32/64-65 dt 7-7-65, 30-7-65, & 1-10-65, from the Dist. Comm. Gulbarga

(1) The three letters at pages 1 to 6 C.F. are for perusal. These were pending for want of previous papers on the subject. Now as could be seen at (A) on page 1 C.F, the previous references have gone to Spl. Irrign Branch. Hence, these papers may be transferred to Spl. Irrign Br.

MYSORE GOVT. SECRETARIAT
NO 138/IP/Spl 66
25 MAR 1966
IRRIGATION (SPECIAL)

22/3/66

Spl. Irrign Br. Section

22/3

22/3/66

Sir,
I remember D. Veerappa Officer have also already seen the Correspondence and have given Section. 24/3

Sir, Pl. perusing on the file 24/3/66

PWD 5/LBW 65

The file No. PWD 17 LBW 65 is placed below for perusal and orders.

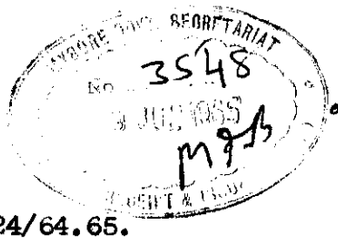
15/4.

Dy. Secy (Irrn) may please see file No. PWD 5/LBW 65-Pt.

Dy. Secy (Irrn) with the main file

15/4

GOVERNMENT OF MYSORE



OFFICE OF THE
DIVISIONAL COMMISSIONER &
ex officio ADMINISTRATOR, T.B.P.,
GULBARGA.

Dated. 7-7-1965

No. TBP/ MSC/524/64.65.

To

The Secretary to Government,
Public Works Department.,
Vidhana Soudha, Bangalore.

Sub:- Levy of penalty under the Hyderabad Irrigation Act in the TBP area.

Ref:- 1. This office L.No.TBP/MSC/524/64.65 dated 22.6.1965.

====

Sir,

Please refer to this office letter cited above and to the discussions held in the State Working Group meeting on 28.6.65. May I request you to obtain and communicate orders of Government early ?

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

The previous reference 7/7/65 has been received and given to Sri BVD under the D.O. No. PWD 3279/MG-65 on 25-6-65. Subsequently it has been sent to Special Gesn. on 2-7-65 under the same number.

19/3/66.

GOVERNMENT OF MYSORE

OFFICE OF THE
DIVISIONAL COMMISSIONER &
ex officio ADMINISTRATOR, T.B.P.,
GULBARGA.

Dated 30th July, 1965

TBP/EST/227/64.65.

To

The Secretary to Government,
Public Works Department.,
Vidhana Soudha, Bangalore.

Subject:- Levy of penalty under the Hyderabad Irrigation Act.

Reference: This office L.NO.TBP/MSC/524/64.65 dated 22.6.1965.

====

S i r :

While inviting your attention to this office letter cited above, I request you kindly to communicate orders of Government delegating the powers to the Revenue Officers under the Hyderabad Irrigation Act at an early date.

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

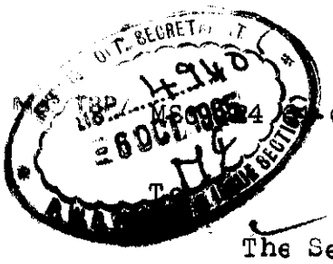
Copy to the Special Dy.Commissioner, Raichur with reference to his L.No.511 dated 17.7.1965 for information.

GOVERNMENT OF MYSORE

3

OFFICE OF THE
DIVISIONAL COMMISSIONER &
ex officio ADMINISTRATOR, T.B.P.,
GULBARGA.

Dated. 1—10—1965



Ref. TBP/LIS-4940/MP0985/64-65

The Secretary to Government of Mysore,
Public works Department,
Vidhan Soudha,
BANGALORE.

Subject: Levy of penalty under Hyderabad Irrigation Act in TBP area -

Sir,

1719/spl65

I enclose a copy of letter No: RD 5130 E 65 dated 27-8-1965 of the Secretary to Government of Mysore, Revenue Department. I request you to communicate early orders of Government in the matter.

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

Rao.

COPY of letter No: RD 5130 E 65 dt. 27-8-1965 of the Secretary to Government, Revenue Department, addressed to the Divisional Commissioner, Gulbarga.

Subject: Levy of Penalty under Hyderabad Irrigation Act in TBP area -

Ref:- Your letter No: TBP MSC 324 64-65 dt. 12-8-65.

Sir,

I am directed to state that the connected papers have been transferred to Public Works Department for needful action. Further correspondence may please be made with the Secretary to Government Public Works Department.

Yours faithfully,

Sd/-
(V.A. GUMASTE)
Under Secretary to Government,
Revenue Department

"COPY"